RCMP

ROYAL CANADIAN MOUNTED POLICE

2013 - 2014

Annual Report
Management of the RCMP Disciplinary Process

Adjudicative Services Branch

Royal Canadian Mounted Police / Gendarmerie royale du Canada

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The vast majority of our members conduct themselves with pride, professionalism and deep commitment to the communities we serve. However, the esteem Canadians hold us in can be overshadowed by the attention paid to the few incidents where our member's conduct has not lived up to the public's expectations and our standards. To protect and foster public trust, we must take timely and appropriate action to address the misconduct and to hold the members accountable for their actions.

Bob Paulson, RCMP Commissioner

EXECUTIVE SUMMARY

2013-2014

This annual report on the Management of the RCMP Disciplinary Process is prepared pursuant to a 2008 Ministerial Directive.[1]

The report provides an overview of the current regime; describes its components and how they are organized; provides a statistical look at the work done in the reporting period; and provides a brief conclusion and comments on the way forward.

The disciplinary regime applicable to this reporting period was put in place in 1988. RCMP members are subject to the same laws as all Canadian citizens. Whether on- or off-duty, members are governed by the Code of Conduct in the *Regulations* to the *RCMP Act*.[2] Matters of employee misconduct are taken seriously, and the *RCMP Act* gives an officer or member in command of a detachment the authority to initiate a Code of Conduct investigation. Any RCMP member found to have contravened the Code of Conduct may be disciplined. Serious violations are dealt with by formal discipline, less serious by informal discipline.

In 2013 the *Enhancing RCMP Accountability Act* received Royal Assent. Changes to the *RCMP Act* will come into force in late 2014. The "discipline" regime is being replaced by a robust "conduct" management system, which will include a new Code of Conduct for members. Efforts being expended on preparing to implement legislated changes are considerable. The new conduct management system will focus on being remedial, corrective and educative.

Within the Professional Integrity Officer's area of responsibilities, formal discipline is managed by Adjudicative Services Branch through three directorates: Discipline Adjudications Directorate, Member Representative Directorate, and Appropriate Officer Directorate. The three directorates handle formal discipline matters. Each directorate has different, but necessarily interrelated, responsibilities: Managing and conducting discipline board hearings; representing the member against whom misconduct has been alleged; and, representing the officer who initiated formal discipline proceedings. Discipline matters can be resolved by: (1) a contested disciplinary hearing which proceeds formally with calling of evidence; (2) an Expedited Resolution Process hearing in which a member admits to the alleged misconduct; (3) withdrawal of the allegation; and, (4) resignation of the member.

2013-2014 was very busy and productive. Although productivity during the period covered by the report was impacted by increased complexity and length of proceedings, the number of formal discipline cases resolved was 100. Sixty one hearings were held, 13 matters were withdrawn, and 26 matters were resolved by member resignations. Of the 61 hearings, 47 proceeded by Expedited Resolution Process and 14 by contested hearing. Where allegations are established or admitted, the discipline board hearing the matter will also hear evidence and representations on sanction and then make a decision imposing an appropriate sanction. Sanctions range from a reprimand to a reprimand and forfeiture of up to ten days' pay. A Digest of Cases provides greater detail on the 61 matters heard.

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1 The Ministerial Directive appears in Appendix A.

2 *Royal Canadian Mounted Police Regulations, 1988*, SOR/88-361 (as amended) ("*Regulations*")

In addition to the Digest of Cases, Figures 1 to 7 provide organizational information and Figures 8 to 25 provide considerable current and historical statistical information. This year, the Member Representative Directorate had 219 incoming files, the Appropriate Officer Directorate dealt with all 100 formal discipline matters which were resolved, and the Discipline Adjudications Directorate conducted 61 hearings. Key discipline statistics included show that: over the past six years 75 percent of hearings proceeded by the expedited process; 55 members forfeited 357.5 days' pay; over the past two years over 50 percent of members who were subject to formal discipline had less than 10 years service; the length of time to resolve a formal discipline matter has increased over the past six years and now stands at 513.6 days; the 61 cases adjudicated this year were significantly higher than the 14 year average of 49.8; and, during the year, just 0.25 percent of all members were subject of formal discipline proceedings.

Although the focus of the report is formal discipline the report includes a breakdown, by division, for the 158 cases which resulted in informal discipline. Though suspension is not a disciplinary action, the report also informs that there were 118 suspended members (104 suspended from duty with pay and allowances and 14 suspended from duty without pay and allowances).

Organizationally, the RCMP can never be satisfied that there is no room for improvement. The implementation of a robust conduct management system to replace the current disciplinary regime is a significant, historic and much needed initiative. In addition to this larger initiative, the report looks at examples of other initiatives to improve the functioning or management of discipline processes such as discipline reviewer positions to provide consistency and quality control in "E" Division; civilianization of some positions in "D" Division, and aligning resources to their workload in "K" Division.

The RCMP is on the verge of replacing its current discipline system with a robust conduct management system. Based on the work which Adjudicative Services Branch accomplished this year, there will be a period of transition likely lasting 18 to 24 months. Conduct management is the way forward. It is a way that can be easily understood by members and the public. It is a way through which the RCMP will earn and maintain the trust of both.

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PREFACE

2013-2014

Message from the Professional Integrity Officer

Policing is hard work and is often performed under stressful and dangerous circumstances. On the whole, the overwhelming majority of our members face these challenges with professionalism, pride and strong dedication to protecting Canadians. However, there are those who, at times, engage in conduct that does not meet the high expectations of both the RCMP and the communities we serve. In those cases, misconduct must be addressed in a timely and effective manner. The current RCMP discipline regime addresses misconduct, however it has in many respects become overly legalistic, formalistic and adversarial, a theme repeated by many stakeholders.

As the Professional Integrity Officer I have seen first-hand where our current discipline regime works and where improvements are needed. I am pleased to report that change is coming

On June 19, 2013 the *Enhancing the Royal Canadian Mounted Police Accountability Act* (*RCMP Act*) received Royal Assent, which will bring fundamental change to the 25 year old *Royal Canadian Mounted Police Act* and manner in which conduct matters are managed. After extensive consultations, the RCMP is currently working to develop policies and procedures to support the provisions outlined in the new *RCMP Act*. By the time you are reading this, many of these will be in place.

This means that this year's report for the period of April 1, 2013 to March 21, 2014 marks the end of an era. Outlined in this report are some of the concerns that the new conduct process will address. A trend that we see is that the discipline regime has become increasingly complex with lengthier hearings and taking longer to conclude. This not only causes unnecessary delays and a drain on resources, but prevents the RCMP and the member from addressing the situation and moving on. This trend clearly illustrates that the current discipline regime has outlived its usefulness. It was universally agreed that discipline matters must be dealt with in a more timely fashion.

Our discipline regime is being replaced by a robust conduct management system that will be timelier and meet the needs of the members, the organization and the expectations of Canadians. Under the amended *RCMP Act*, there is a focus on shared responsibility between the member, his or her manager, and the organization when dealing with performance and conduct.

Conduct matters will be handled at a lower level, often by the member's local detachment commander. The range of sanctions, which will be called conduct measures, will be broader, more flexible and more quickly actionable than the current *RCMP Act* allows. Cases will only be brought before a conduct board when dismissal is being sought.

The new conduct process will shift from being overly legalistic, formalistic and adversarial to a process that places emphasis on being remedial, corrective and educative. The amended *RCMP Act* will allow the organization to deal with misconduct efficiently and appropriately, contributing to a stronger organization. It will also provide more flexibility and adaptability to respond to changes that may be required in terms of dealing with conduct matters.

I look forward to being part of these historic changes and seeing where they will lead.

Craig S. MacMillan
Professional Integrity Officer,
Royal Canadian Mounted Police.

Message from the Director General

At the heart of the statistical story told by this report are more statistics. Responding to more than 2.7 million calls annually, RCMP members are involved in millions of interactions with the public. On rare occasions members may conduct themselves in a way which needs to be addressed. It needs to be addressed out of genuine concern for the public, the RCMP as an organization and the member. The public deserves high quality policing service and respectful interactions with RCMP members. Members whose conduct is not up to organizational standards may need guidance, training or correction or they may need to be deterred from future inappropriate conduct.

This report responds to the Minister of Public Safety's Ministerial Directive on the RCMP Disciplinary Process.[1] Preparing it is tremendously beneficial to me in my role as Director General, Adjudicative Services. It provides my team and me with the opportunity to reflect on the Branch's accomplishments, successes and challenges.

The sheer volume of work accomplished this past year is remarkable. Despite the considerable effort being committed towards implementing legislative changes across the organization, one of the Branch's directorates reported that this was its most productive year ever. The other directorates were no less busy and made no less a contribution to the record-setting level of productivity. Collectively the Branch's directorates concluded a record-high 100 formal discipline matters. Of these, 47 were concluded under the Expedited Resolution Process. This too was a record high for that process, which was introduced in 2008.

Last year we introduced two new analyses to this report. The first looked at members receiving formal discipline by rank or classification, the second considered members receiving formal discipline by service level. The results are not surprising. As one might expect, the analyses show that constables are more likely to face formal discipline and members who are more junior in service are more likely to face formal discipline. Fully, 50 percent of those who faced formal discipline did so in their first 10 years of service. It was somewhat surprising that the data shows that members are more likely to face formal discipline in their second five years of service than in the first five.

This year we introduce an additional new statistical analysis. This analysis looks at the population of disciplined members over 11 years. The data generally shows a favourable picture, members disciplined, whether formally or informally, as a percentage of the total population of members has been declining over time.

We are in the midst of significant and historic change. The new conduct management system, on which the Professional Integrity Officer commented in his message, will fundamentally re-focus the RCMP disciplinary process. There will be period of transition between the old and new systems during which both processes will operate simultaneously. The challenge for the next reporting period will be to keep the momentum gained this year and also overcome any obstacles to a smooth transition.

Stephen N.S. Thatcher
Director General,
Adjudicative Services Branch
Royal Canadian Mounted Police

[1] The Ministerial Directive appears in Appendix A.

CHAPTER 1

2013-2014

The RCMP Formal Disciplinary Regime

1.1 Report Overview

The 2013-2014 year was a very busy and productive. It is evident the volume of work has increased during this reporting period. Considerable work continues in terms of administering the RCMP's discipline processes and accomplishments are reflected by this year's statistics when compared to previous years. Productivity during the period covered by the report was impacted by the considerable work efforts which were expended to prepare for legislated changes to the RCMP discipline process.

This year's annual report builds on the reports of the previous two fiscal years. It provides a further update to some of the major changes initiated in 2011-2012 and comments on the successes and challenges faced by the RCMP in the management and functioning of the disciplinary process.

This report also follows up on the two new analyses introduced in the 2012-2013 report concerning the rank or level of members facing discipline and an examination of the years of service of members subject to formal discipline during the year.

The number of cases resolved was 100, which despite continuing to see increasingly complex and time consuming cases which require significant resources and time, is significantly higher than the previous two years.

1.2 Ministerial Directive

In 2008, the Minister of Public Safety issued direction to the Commissioner of the RCMP regarding the Force's disciplinary process. The aim was to bring about additional clarity and enhanced accountability.

The Ministerial Directive on the RCMP Disciplinary Process ("Ministerial Directive") is the impetus for this report.[2]

In addition to ordering that an annual report on the management of the RCMP disciplinary process be prepared, the Ministerial Directive calls for:

- the standardization of the application of, and enhancements to the transparency of the disciplinary process set out in the *RCMP Act*;[3]
- the maintenance and ongoing monitoring of comprehensive records on all disciplinary files;
- the effective coordination and efficient administration of the RCMP disciplinary system;
- nationally-consistent policies and protocols to inform RCMP members of the requirements and procedures associated with the disciplinary process;
- regular training for appropriate staff to promote awareness of and compliance with the above requirements and procedures; and
- a designated representative of the Commissioner, having regard for legal and operational considerations, to inform the Minister in a timely manner of significant disciplinary matters.

[2] The Ministerial Directive appears in Appendix A.

[3] *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 (as amended) ("*RCMP Act*").

1.3 Overview of the Disciplinary Regime

(i) Historical Overview

The RCMP's disciplinary process has evolved from the careful examination and consideration of appropriate legislative measures during the 1970s and 1980s. The provisions now under Part IV of the *RCMP Act*, include those for informal and formal disciplinary actions.

In the 1976 *Report of the Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedures within the Royal Canadian Mounted Police* ("Marin Commission"), it was found that the RCMP disciplinary regime was essentially punitive. The penalties available were: cautioning – a formal oral admonishment by an officer; warning – a written reprimand by an officer; charging with a service offence; and compulsory discharge.

Disciplinary charges alleging major and minor service offences were tried within a Service Court presided over by a single commissioned officer. The accused member was permitted to request the representation of another member, however, there was no entitlement to professional counsel. Service Court proceedings used the same adversarial process and rules of evidence as criminal trials. Punishments included imprisonment for up to one year, fines, loss of pay, reduction in rank, loss of seniority, a reprimand or compulsory discharge.

The Marin Commission reported that Service Court proceedings were patterned on the adversarial system. The member and the prosecutor could call, examine and cross examine witnesses, evidence was given under oath and the presiding officer determined law and fact. There was "ambiguity, equivocation, misunderstanding and mistrust" through the inconsistent application of rules of evidence and standards of proof (i.e., "balance of probabilities" as in a civil trial or "beyond a reasonable doubt" as in a criminal trial).[4] The report of the Marin Commission provided recommendations aimed to define and clarify the rights, obligations, rules and procedures of the RCMP's formal disciplinary system.

Following the analysis by the Marin Commission, the RCMP recognized its disciplinary system lacked impartiality and procedural rights. To address this, and in advance of legislative change, the Adjudications Branch was created in 1981 in an attempt to bring consistency and professionalism into the administration of the Service Court process.

In 1985, the Adjudications Branch evolved into the Professional Standards Directorate, which was formed as a centralized unit that had dedicated personnel with legal training to act as trial officers, and defence and prosecution counsel. The objectives were: the development of expertise; more efficient, consistent and timely processes; and more control over the process.

The 1988 amendments to the *RCMP Act*, based on the work of the Marin Commission, created a wider range of disciplinary options and removed the penalty of imprisonment. Service Court proceedings before the trial officer became hearings before a board of three adjudicators. Representatives of the parties involved in the proceedings became appropriate officer representatives and member representatives.

In the summer of 2004, in the wake of concerns about member representation and delays in the system, the RCMP Pay Council was asked by the Staff Relations Representatives Program and RCMP management to undertake a review of the RCMP's internal disciplinary system.

[4] Canada, Report of the *Commission of Inquiry Relating to Public Complaints, Internal discipline and Grievance Procedures within the Royal Canadian Mounted Police* (Ottawa: Minister of Supply and Services, 1976), pages 111-131.

The key findings of the *Pay Council Report* related to undue delays within the disciplinary system, particularly at the investigative and adjudicative stages of the process. Another issue was the perceived failure of the system to meet the legislative intent that it be corrective, expeditious and informal, rather than overly legalistic, adversarial, formal and punitive. The *Pay Council Report* further stressed internal investigations into alleged breaches of the Code of Conduct were far too slow and there was a failure to advise members of their progress.

The *Pay Council Report* suggested a renewed commitment to managing the disciplinary system as an integrated program with unified responsibility, oversight and coordination. This new approach would help ensure discipline was administered as a single, continuous program in a prompt, effective manner while maintaining the autonomy of investigations and the adjudications and representative programs. The report suggests doing this by way of an accountability framework precisely setting out where investigations and programs were and were not answerable to RCMP management. It was recommended that the role of unit and divisional command, particularly with respect to administering informal discipline at the lowest possible level, be re-emphasized. At the investigative level, it was stressed that investigations must be conducted expeditiously and be continuously supervised and monitored. Finally, at the adjudicative level, the process called for a more direct involvement by the boards in scheduling and concluding matters in a timely manner.

The Pay Council recommendations were revisited in December 2007 when the Task Force on Governance and Cultural Change in the RCMP submitted its final report, *Rebuilding the Trust*, to the Minister of Public Safety and to the President of the Treasury Board.

The Task Force had been given a mandate to report and make recommendations on numerous aspects of the RCMP, discipline being one. With respect to the disciplinary system, it recommended that the RCMP:

- implement the *Pay Council Report* recommendations with whatever amendments management felt appropriate;
- establish a centralized disciplinary authority;
- eliminate backlogs existing in its disciplinary system;
- re-commit itself at the highest levels to the expeditious and informal resolution of disciplinary matters at the lowest-possible levels; and,
- establish reasonable time frames for the commencement and completion of disciplinary investigations with these only rarely exceeding six months and, at the outside limit, held to one-year time limits subject to the ability of the RCMP to apply for extensions to facilitate contemporaneous criminal investigations.

In January 2008, the Minister of Public Safety issued the Ministerial Directive, in which he directed the Commissioner to standardize the application of the RCMP's disciplinary process and enhance its transparency.

(ii) Code of Conduct

RCMP members are subject to the same laws as all Canadian citizens. In addition, whether on- or off-duty, members are governed by the Code of Conduct (which is outlined in the *Regulations* to the *RCMP Act*).[5] Matters of employee misconduct are taken seriously, and the *RCMP Act* gives an officer or member in command of a detachment the authority to initiate a Code of Conduct investigation. Any RCMP member found to have contravened the Code of Conduct may be disciplined.

[5] *Royal Canadian Mounted Police Regulations, 1988*, SOR/88-361 (as amended) ("*Regulations*")

It is important to note that an RCMP member is entitled to fairness and due process throughout a Code of Conduct investigation and any ensuing disciplinary proceeding or action. Should the officer or member in command of the detachment conclude that the allegation is substantiated, the officer or member will then decide what type of discipline is appropriate. Depending on the seriousness of the contravention, disciplinary action can be informal or formal and sanctions vary in scope.

At the time this report was being prepared, a new RCMP Code of Conduct for Regular Members was being developed in consultation with RCMP employees from across the country . It is anticipated in the next year the new Code of Conduct will be finalized and implemented in the coming year. In the Commissioner's introductory comments to the 2014 Annotated Version of the new Code of Conduct he said "The Code of Conduct for the RCMP the reflects the expectations of Canadians concerning the responsibilities of all members, and sets the ethical tone to which we should aspire in performing our duties. The Code takes a positive approach to guide the professional conduct of members."

The new Code will cover a broad range of on-duty and off-duty conduct in these areas: Respect and Courtesy; Respect for the Law and Administration of Justice; Duties and Responsibilities; Use of Force; Conflict of Interest; Discreditable Conduct; Reporting; Confidentiality and Public Statement; and, Political Activity. Encouraging and holding members to the highest level of conduct, the new Code includes a self-policing element by requiring that "Members, unless exempted, report as soon as feasible and take appropriate action if the conduct of another member contravenes this Code."

(iii) Informal and Formal Discipline

The *RCMP Act* allows informal action to be taken to discipline members or officers contravening the Code of Conduct by the member in charge of a local detachment or the responsible officer, without a requirement for a formal process. Less serious violations are to be addressed by "informal disciplinary action".[6] The informal disciplinary actions provided are generally of a corrective nature.[7]

All informal disciplinary actions are considered personal information as defined in section 3 of the *Privacy Act*. As such, disclosure is governed by the *Privacy Act* and information is generally only provided to the parties involved and others with a need to know that information for specific purposes. Informal disciplinary actions authorized by the *RCMP Act* are:

- counseling;
- recommendation for special training;
- recommendation for professional counseling;
- recommendation for transfer;
- direction to work under close supervision;
- the forfeiture of regular time off for any period not exceeding one workday (subject to conditions established by the Commissioner); and,
- a reprimand.

Any member against whom informal disciplinary action is taken in the form of a direction to work under close supervision, a forfeiture of regular time off, or a reprimand, may appeal. Informal discipline appeals are decided by a single officer, whose rank is dependent on the rank of the member subject to discipline. An informal discipline appeal must be presented within the 14-day limitation period set out in the *Commissioner's Standing Orders (Disciplinary Action)*. Going into this reporting period there was a backlog of informal discipline appeals,

[6] Emphasis is on the informal resolution of contraventions of the Code of Conduct, preferably at the detachment level and supports the principle that informal discipline is to be applied at the lowest possible level to ensure a high level of accountability.

[7] At the formal level as well, the legislation provides for corrective measures, although clearly it was intended to be punitive when necessary.

some dating back to 2008. Through a directed effort by the Professional Integrity Officer, that backlog and outstanding first level matters were eliminated. Other, less serious, informal discipline in the form of a counselling, recommendation for special training, recommendation for professional counselling, and recommendation for transfer, may be neither grieved nor appealed.

Formal discipline is warranted when it is alleged a member has contravened the Code of Conduct and informal disciplinary action would not be sufficient. A formal disciplinary hearing is then initiated by the appropriate officer and notice is provided to the subject member.

The designated officer appoints an adjudication board, before which the parties, normally represented by legal counsel, have a full opportunity to present evidence, to cross-examine witnesses and to make representations. The adjudication board must follow established legal principles and weigh all of the circumstances before deciding if an allegation of misconduct is established on the balance of probabilities.

If an adjudication board determines that one or more allegations are established, the parties may again call evidence and make representations, and the board must consider all relevant factors that aggravated and/or mitigated the professional misconduct in determining the appropriate sanction. Formal disciplinary sanctions range from a forfeiture of pay for a period not exceeding 10 work days, to demotion or dismissal. The adjudication board may also impose informal disciplinary measures in addition to, or as a substitute for, formal disciplinary sanctions. With the exception of dismissal, sanctions imposed after the formal disciplinary hearing process are also intended to be primarily corrective or remedial. A notable accomplishment during this reporting period was that, within the Commissioner's role as the final level of appeal, he managed to eliminate the existing backlog of formal appeals.

(iv) Treasury Board Values and Ethics Code for the Public Sector and the RCMP Organizational Code of Conduct

Although the Code of Conduct has long governed the conduct of regular and civilian members of the RCMP, it does not regulate the conduct of the Force's many employees in other categories.

Recently developed as a requirement of the *Public Servants Disclosure Protection Act* ("*PSDPA*"), the Treasury Board's *Values and Ethics Code for the Public Sector* modernized the existing code for the Public Service. It outlines the expected behaviour of all public servants, including regular and civilian members of the RCMP. The *PSDPA* also required that all federal departments develop an organizational code of conduct that supports the *Values and Ethics Code for the Public Sector* while taking into account the unique requirements of their department.

Accordingly, the RCMP developed its Organizational Code of Conduct, designed to complement the existing Code of Conduct, ensuring that all RCMP employees, regardless of category, are all held to similar expectations relative to behaviour. Both the *Values and Ethics Code for the Public* Sector and the RCMP Organizational Code of Conduct came into effect on April 2, 2012.

The Organizational Code of Conduct has particular significance for employees not subject to the Code of Conduct, specifically public service employees, temporary civilian employees, and reservists. Remaining employee groups are to be guided by and respect the intentions of the new Organizational Code of Conduct. This includes volunteers, auxiliaries, and both municipal and provincial employees.

Also arising from the *Values and Ethics Code for the Public Sector* was a new Conflict of Interest Directive, which included as a major component, an equally new Interpersonal Workplace Relationship Policy. The Conflict

of Interest Directive offers guidance to all RCMP employees on how to avoid and manage conflict of interest situations generally. The Interpersonal Workplace Relationship Policy is more specific and provides employees clarity on when and how they should report romantic or sexual relationships involving supervisors or subordinates.

The objective of the policy is not to limit such relationships, but rather to mitigate conflicts of interest as well as to provide employees with a safe and respectful workplace free of the abuse of authority or harassment. The new directive and policy were developed and approved by the RCMP's Senior Executive Committee during the 2012-2013 fiscal year and came into effect in April 2013.

Recognizing the importance of providing, maintaining and promoting a respectful workplace, in 2013-2014 the RCMP introduced mandatory respectful workplace training. Between January 30, 2014, and May 31, 2014, all RCMP employees were required to complete "The Respectful Workplace" course. This web-based training supports the continuous respectful workplace dialogue which the Commissioner encourages between all managers, supervisors and employees. The RCMP is committed to an evolving, modern culture.

In conjunction with renewing the RCMP Code of Conduct, the RCMP Organizational Code of Conduct will be updated and aligned so that both codes follow a similar approach to conduct.

(v) Adjudication Boards

Adjudication boards are comprised of three RCMP commissioned officers. These officers must have the appropriate adjudicative training and not be in a real or perceived conflict of interest with respect to the subject member and matter to be heard. Additionally, at least one of the officers must be a graduate of a recognized law school. All adjudicators must swear an Adjudicator's Oath of Office in which they undertake to act faithfully, impartially and honestly and in accordance with the Adjudicator's Code of Ethics.

(vi) Suspension of Members[8]

The *RCMP Act* allows for the suspension of a member who is suspected of or has been found to have contravened the Code of Conduct, or a federal or provincial law.

Suspension is not itself a disciplinary sanction. Suspension with, or without pay, is a preventive measure created to protect the integrity of the RCMP and its processes pending the outcome of the matter which gave rise to the suspension. Suspension from duty is only ordered in cases where not doing so would seriously jeopardize the integrity of the RCMP. Where suspension from duty is not warranted, the member may be assigned to other duties.

Of the two forms of suspension, suspension without pay is the less frequent, arising only when the alleged misconduct, were it established, is so outrageous that it requires a greater response than suspension alone. It is invoked only when it would be inappropriate to pay a member pending the outcome of the disciplinary hearing.

(vii) Appeals of Adjudication Board Decisions and the RCMP External Review Committee

Appeals of adjudication board decisions may be made to the Commissioner within the 14-day limitation period set out in the *RCMP Act*. A subject member may make an appeal on any ground with respect to the adjudication board's finding(s) of fact or on the sanction imposed. Similarly, an appropriate officer may appeal on any

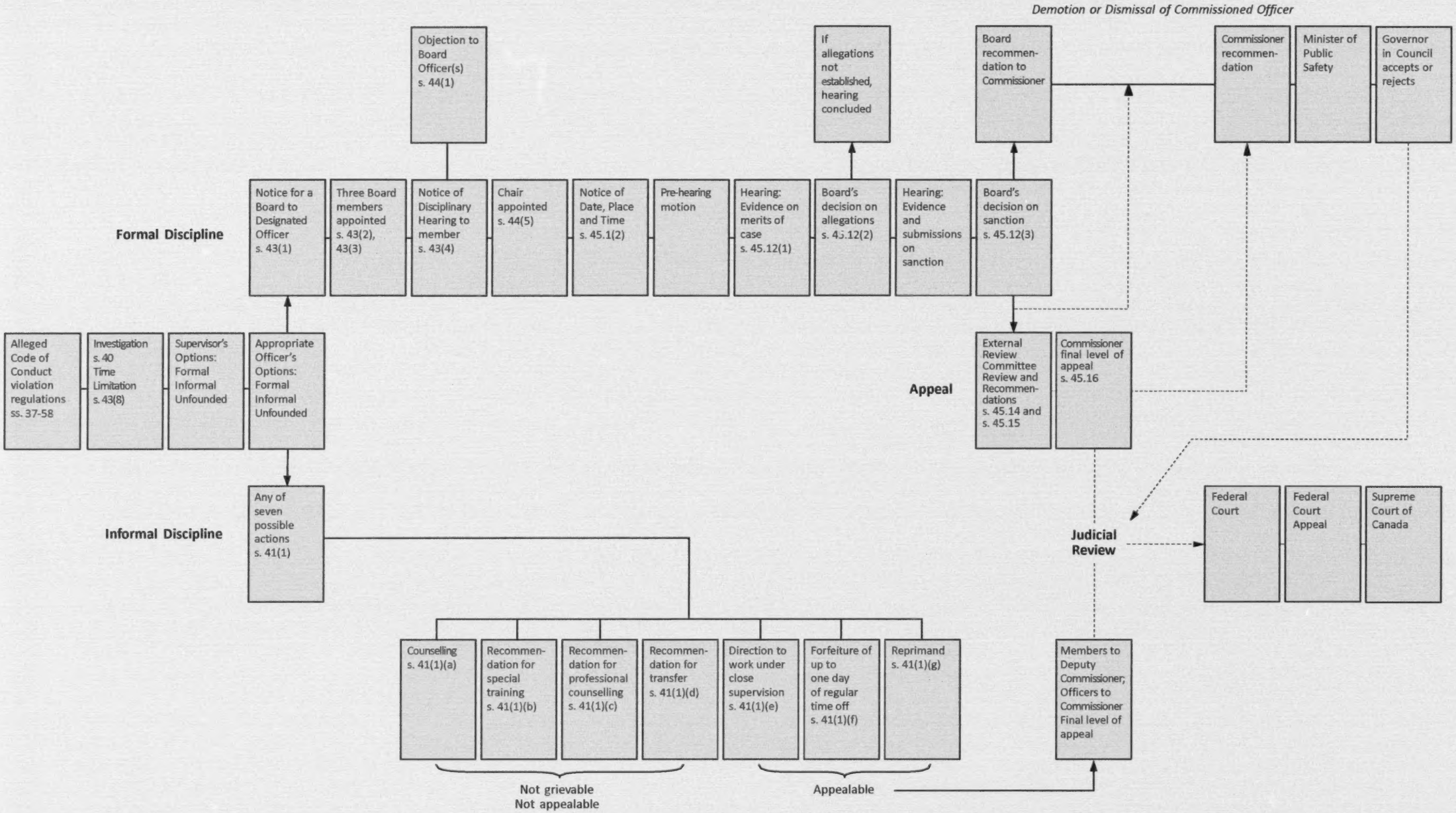
[8] For additional information on matters relating to the RCMP suspension policy and suspension of members without pay and suspension of members with pay, see both section 3.1 (iii)(1) and section 3.3 of this Annual Report.

ground with respect to the adjudication board's finding(s) of fact. In very limited circumstances, the appropriate officer may also appeal the sanction imposed. This right is limited to a circumstance in which the adjudication board imposes a sanction that is not provided for by the *RCMP Act*.

Before the Commissioner rules on an appeal, the matter is referred to the RCMP External Review Committee ("ERC"), an independent statutory body. The ERC provides findings and recommendations to the Commissioner about whether the Commissioner should uphold or deny the appeal of the adjudication board's decision. The Commissioner is not required to agree with the ERC, however, where the Commissioner disagrees, he or she must provide reasons.

The Commissioner's decision on a formal disciplinary appeal is final and binding and is not subject to appeal or review by any court, except on a judicial review by the Federal Court of Canada.

Figure 1: Discipline Process under Part IV of the RCMP Act[9]


Demotion or Dismissal of Commissioned Officer
Objection to Board Officer(s) s. 44(1)
If allegations not established, hearing concluded
Board recommen-dation to Commissioner
Commissioner recommen-dation
Minister of Public Safety
Governor in Council accepts or rejects
Formal Discipline
Notice for a Board to Designated Officer s. 43(1)
Three Board members appointed s. 43(2), 43(3)
Notice of Disciplinary Hearing to member s. 43(4)
Chair appointed s. 44(5)
Notice of Date, Place and Time s. 45.1(2)
Pre-hearing motion
Hearing: Evidence on merits of case s. 45.12(1)
Board's decision on allegations s. 45.12(2)
Hearing: Evidence and submissions on sanction
Board's decision on sanction s. 45.12(3)
Alleged Code of Conduct violation regulations ss. 37-58
Investigation s. 40 Time Limitation s. 43(8)
Supervisor's Options: Formal Informal Unfounded
Appropriate Officer's Options: Formal Informal Unfounded
Appeal
External Review Committee Review and Recommen-dations s. 45.14 and s. 45.15
Commissioner final level of appeal s. 45.16
Informal Discipline
Any of seven possible actions s. 41(1)
Judicial Review
Federal Court
Federal Court Appeal
Supreme Court of Canada
Counselling s. 41(1)(a)
Recommen-dation for special training s. 41(1)(b)
Recommen-dation for professional counselling s. 41(1)(c)
Recommen-dation for transfer s. 41(1)(d)
Direction to work under close supervision s. 41(1)(e)
Forfeiture of up to one day of regular time off s. 41(1)(f)
Reprimand s. 41(1)(g)
Members to Deputy Commissioner; Officers to Commissioner Final level of appeal
Not grievable
Not appealable
Appealable

9 Please see Appendix D for the detailed steps of the *RCMP Act* Part IV.

CHAPTER 2

2013-2014

Components of the Formal Disciplinary Regime

2.1 The Office of Professional Integrity

While this report deals primarily with the formal discipline process, there are a number of components that comprise that process. Indeed, public and internal trust is paramount to the organizational success of the RCMP. This requires that RCMP employees undertake and perform their duties and responsibilities with the highest level of integrity. This will engender ethically-based decisions in all areas of responsibility. The resulting level of confidence will enable the RCMP and its partners to deliver a level of service that is not only expected but deserved.

Professional Integrity in a Policing Context

Professional integrity is the integrated collection of virtues that brings about the goals of a profession. In the policing context, maintaining professional integrity is one of the most significant contributors to successful and effective service delivery. Because of specific rights, privileges and authorities granted to those working in the policing realm, the public, government and partners must have the confidence and trust in policing organizations that professionalism prevails. Reporting directly to the Commissioner, the Office of Professional Integrity was created in 2010 as a comprehensive approach to address professional integrity by:

- ensuring the rights and privileges of the occupation are not exceeded;
- treating others in a fair and respectful manner;
- doing what is right even when nobody is looking; and
- decision-making founded on sound, values-based reasoning.

Led by the Professional Integrity Officer, its mission is to promote the high standards of ethics and integrity expected of the organization by employees and the public. This new structure operates to guide employee behaviour, mitigate employee misconduct, as well as support an ethical culture. Key programs within the Office of Professional Integrity include:

- Adjudicative Services Branch;
- Employee Management Relations Branch;
- Honours and Recognition; and
- Professional Ethics Office.

Furthermore, the Professional Integrity Officer provides direction in the development of the framework of strategies, plans, policies and processes that govern the design and implementation of the RCMP's conduct regime.

Strong Ethics, Strong Organization

In July 2013, the Professional Integrity Officer launched the Professional Ethics Strategic Plan (PESP) to define and support the strategic objective "Strong Ethic, Strong Organization." The PESP aims to ensure that values and ethics are paramount considerations in all aspects of RCMP operations. The PESP is founded on three priorities: Ethical Leadership, Ethical Governance and Ethical Culture. The aim of the PESP is to direct, align and coordinate national initiatives and activities aimed at enhancing professional ethics in the organization. Each

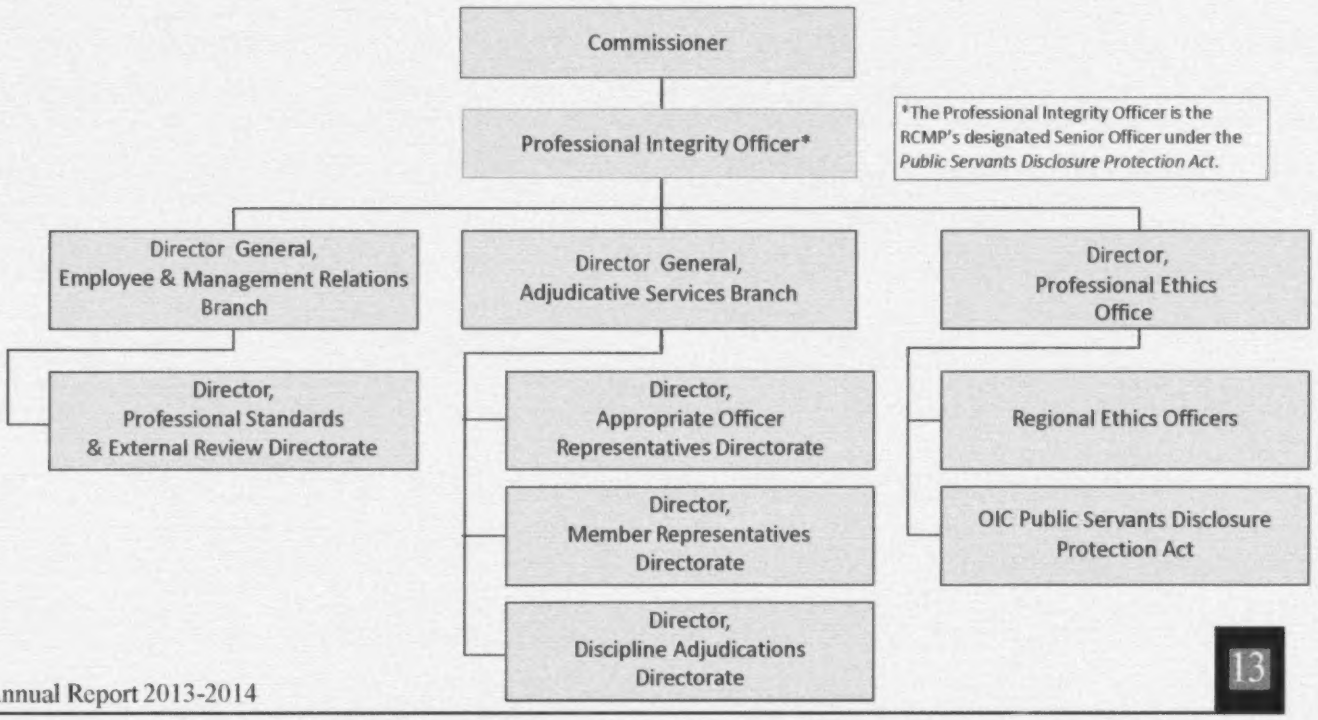
of the PESP priorities is promoted through a national initiative.

Ethical Leadership is understanding, committing to and exemplifying the RCMP core values and having the ability to influence others to do the same. The national initiative is to align the implementation of workplace and inquiries mechanisms for issues of ethics or integrity, workplace relations, and PSDPA disclosures of wrongdoing. In December 2013 the Professional Integrity Officer and the RCMP's Chief Human Resources Officer jointly implemented a comprehensive Workplace Reporting System with dedicated phone line, web site and email address. While not replacing established reporting methods, these dedicated communications channels facilitate reporting of workplace issues for those employees who are unsure where to go, or when established reporting methods are not appropriate or possible.

Ethical Governance is having RCMP ethical frameworks and mechanisms which support decision making and provide accountability, integrity and transparency in the development of RCMP policies. The national initiative requires RCMP managers and other leaders to engage employees and lead discussions on the Conflict of Interest Directive and Respectful Workplace Program. This initiative is monitored as part of the annual performance evaluation process. In this reporting period 84% of employee evaluations recorded that the employee had been engaged.

Ethical Culture is having behaviours, norms and protocols which are characterized and reflective of our professional responsibilities and ethical values. The Ethical Culture national initiative is participation in an RCMP Professional Climate Survey. The survey is designed to gauge the current professional climate within the RCMP. The survey will help the RCMP to determine effectiveness of PESP initiatives and to identify what needs to been done to continue to build on a culture of professional ethics. In this reporting period, the survey established a base line against which to measure the impact of the PESP over time.

Figure 2: Office of Professional Integrity Organizational Chart


Commissioner
Professional Integrity Officer*
*The Professional Integrity Officer is the RCMP's designated Senior Officer under the Public Servants Disclosure Protection Act.
Director General, Employee & Management Relations Branch
Director General, Adjudicative Services Branch
Director, Professional Ethics Office
Director, Professional Standards & External Review Directorate
Director, Appropriate Officer Representatives Directorate
Director, Member Representatives Directorate
Director, Discipline Adjudications Directorate
Regional Ethics Officers
OIC Public Servants Disclosure Protection Act

2.2 Context

As of April 1, 2013, there were 28,742 permanent employees in the RCMP:

- 18,954 regular members holding peace officer status;
- 3,743 civilian members; and
- 6,045 Public Service employees.

The RCMP's Code of Conduct regulates the conduct of 22,697 regular and civilian members operating from coast-to-coast-to-coast at all levels of policing.

Through agreements between the federal government and other bodies, the RCMP provides national, provincial/territorial, Aboriginal and municipal police services across Canada. The RCMP has also been dispatched by the Government of Canada to provide personnel in support of the United Nations or other international missions. In practice, the management and function of the disciplinary process is shared between various components of the organization. The following provides information on the mandate and function of these components.

2.3 Adjudicative Services Branch

The Adjudicative Services Branch was created in March 2008. The Branch is headed by a Director General and is composed of four directorates, three of which directly relate to the RCMP's formal disciplinary system.[10] The three directorates playing a significant role in formal discipline are the:

1) Discipline Adjudications Directorate,
2) Appropriate Officer Representatives Directorate, and
3) Member Representatives Directorate.

In addition to its role as the central disciplinary authority for formal discipline, Adjudicative Services Branch seeks to engage and support other key components of the disciplinary process, such as the Professional Standards and External Review Directorate in the Employee and Management Relations Branch, Commanding Officers in their role as appropriate officers, divisional managers and units, and discipline reviewers.

Figure 3: Adjudicative Services Branch Organizational Chart

[10] Not shown on the organizational chart as part of Adjudicative Services Branch are Level I Grievance Adjudications Directorate and three Level II grievance adjudicators. They are not directly related to the disciplinary system, but are part of the larger adjudicative role.

2.4 Directorates

(i) Discipline Adjudications Directorate

The Discipline Adjudications Directorate administers formal disciplinary hearings under Part IV of the *RCMP Act* as well as discharge and demotion board hearings for unsuitability under Part V of the *RCMP Act*. The role of the Discipline Adjudications Directorate is vital in maintaining public trust and in the pursuit of the mission and strategic goals of the RCMP. The overarching responsibility of the discipline adjudicators is to balance public, organizational and member interests, while also ensuring the fairness, integrity and credibility of the process over which they preside. Discipline Adjudications Directorate also facilitates pre-hearing conferences, the objectives of which are:

- to narrow the issues for the hearing;
- focus the hearing on the matters in issue;
- establish the ground rules; and
- make the most efficient use of hearing time.

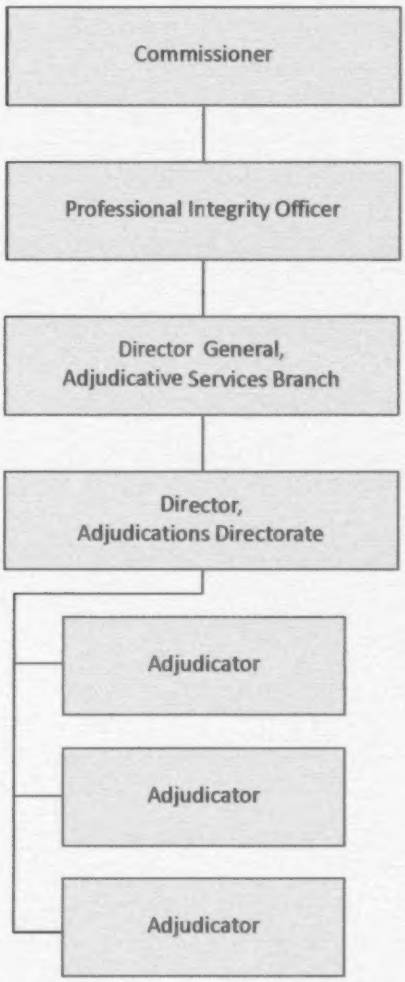
As part of its efforts towards the fair and equitable treatment of members, the Discipline Adjudications Directorate maintains an intranet site accessible to members and other employees of the RCMP. Along with hearing schedules and statistical data, the site publishes adjudication board decisions. This assists in maintaining transparency, accountability and confidence within the organization. Giving internal stakeholders access to decisions and other information allows, for instance, those facing disciplinary measures to consult previously decided cases. It also serves as a learning tool in dissuading conduct similar to that identified in decisions where Code of Conduct violations were established. Given the substantial number of personnel involved in the administration of the disciplinary process, this intranet site has taken on added significance. Though the site is not accessible to the public, adjudication board decisions are available to all persons upon request, subject to any board order limiting publication, a hearing being held in camera or other factors requiring protection of personal information. As will be seen in Chapter 3, the RCMP protocol concerning public access to decisions has been evolving to meet changing circumstances.

Besides conducting hearings, the Discipline Adjudications Directorate serves an important administrative role in managing processes that keep the Force's formal disciplinary system functioning. For example, Discipline Adjudications Directorate registrars are responsible for:

- scheduling hearings;
- booking hearing and meeting rooms;
- coordinating adjudication board appointments and issuing summonses; and
- managing the database through which the Discipline Adjudications Directorate tracks formal disciplinary statistics.

The Directorate's writer/editor administers the process of editing and posting decisions to the intranet site, writes summaries of decisions, and creates digests and indexes. Discipline Adjudications Directorate also manages requests by media and the general public for access to discipline decisions as well as information about the formal discipline process.

Figure 4: Discipline Adjudications Directorate Organizational Chart



(ii) Appropriate Officer Representatives Directorate

Appropriate officer representatives assist and represent appropriate officers (generally commanding officers of a division) who are parties to adjudication hearings under Part IV (Discipline) and Part V (Discharge and Demotion) of the *RCMP Act*. In carrying out their mandate, appropriate officer representatives provide research, analysis and representation services to appropriate officers.

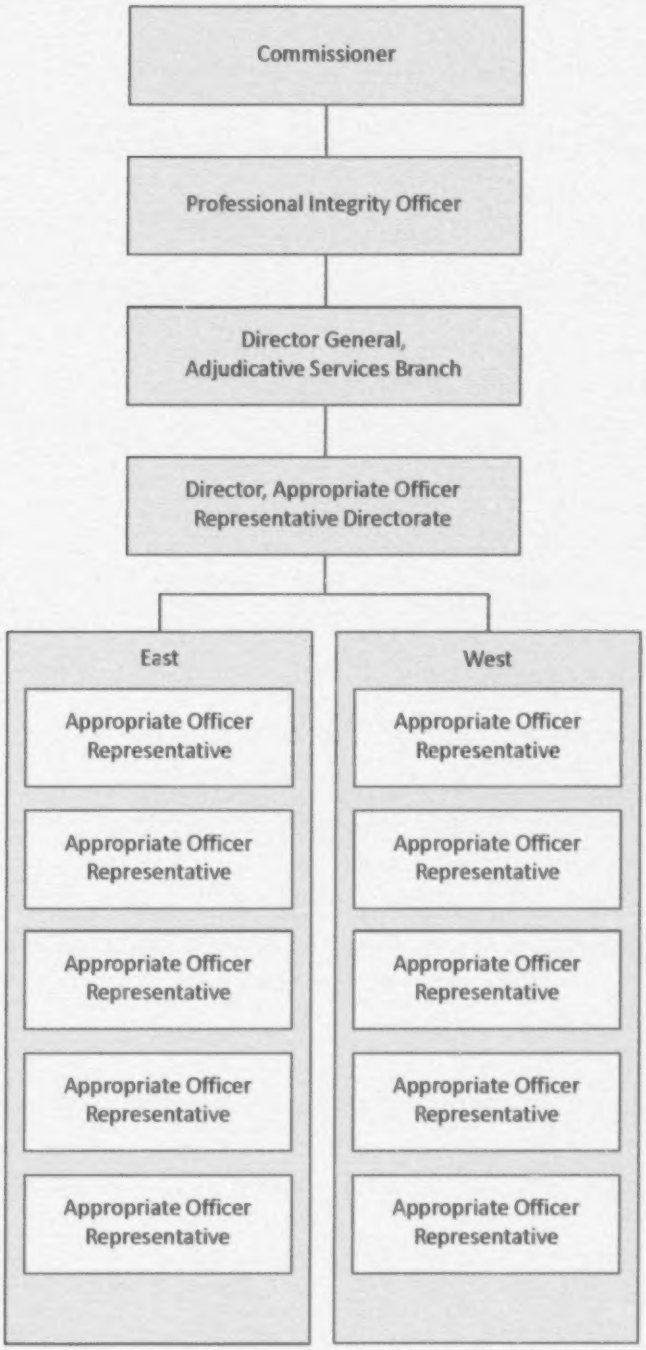
Specific activities include:

- providing advice, policy analysis, opinions and interpretations to appropriate officers and senior divisional management with respect to RCMP disciplinary and discharge/demotion proceedings, including appeals of such proceedings;
- preparing submissions for suspension without pay applications;
- representing appropriate officers in RCMP formal disciplinary hearings and discharge/demotion hearings;
- providing advice and opinions on the *RCMP Act* and *Regulations*, Commissioner's Standing Orders, and RCMP policies; and
- preparing appeals from decisions of discipline boards and discharge and demotion boards.

An appropriate officer representative must review evidence and interview witnesses that will be presented to the adjudication board in contested formal disciplinary hearings in order to advance the case of the appropriate officer. The appropriate officer representative does not primarily seek to obtain a finding of a contravention of the Code of Conduct. Rather, the appropriate officer representative fairly presents the appropriate officer's case for the adjudication board's consideration. In proceedings that may be settled to the satisfaction of the appropriate

officer, the appropriate officer representative and member representative will attempt to resolve any outstanding issues.

Figure 5: Appropriate Officer Representatives Directorate Organizational Chart



(iii) Member Representatives Directorate

The Member Representatives Directorate's function is to provide representation and assistance in accordance with the *RCMP Act* and the *Commissioners Standing Orders (Representation)* to any member who:

- is subject to formal disciplinary action under Part IV of the *RCMP Act*;
- is subject to discharge and demotion proceedings under Part V of the *RCMP Act*; or
- is presenting a grievance relating to their administrative discharge for grounds specified in paragraph 19(a), (f) or (i) of the *Regulations*.

In 2012-2013, the mandate for member representatives also included supporting members who were:

- subject to suspension from duty without pay under section 12.1 of the *RCMP Act* and the *Royal Canadian Mounted Police Stoppage of Pay and Allowances Regulations*;
- subject to the process for temporary loss of pay under the *Commissioners Standing Orders (Loss of Basic Requirements)*;
- subject to a security clearance revocation (only when approved by the Director);
- subject to a Code of Conduct investigation under section 40 of the *RCMP Act* in relation to a serious allegation that could result in formal discipline (only when approved by the Director); or,
- appealing informal disciplinary action under section 42 of the *RCMP Act* (only when representation and assistance is approved by the Director).

Consistent with the *Representative's Code of Ethics*, member representatives must:

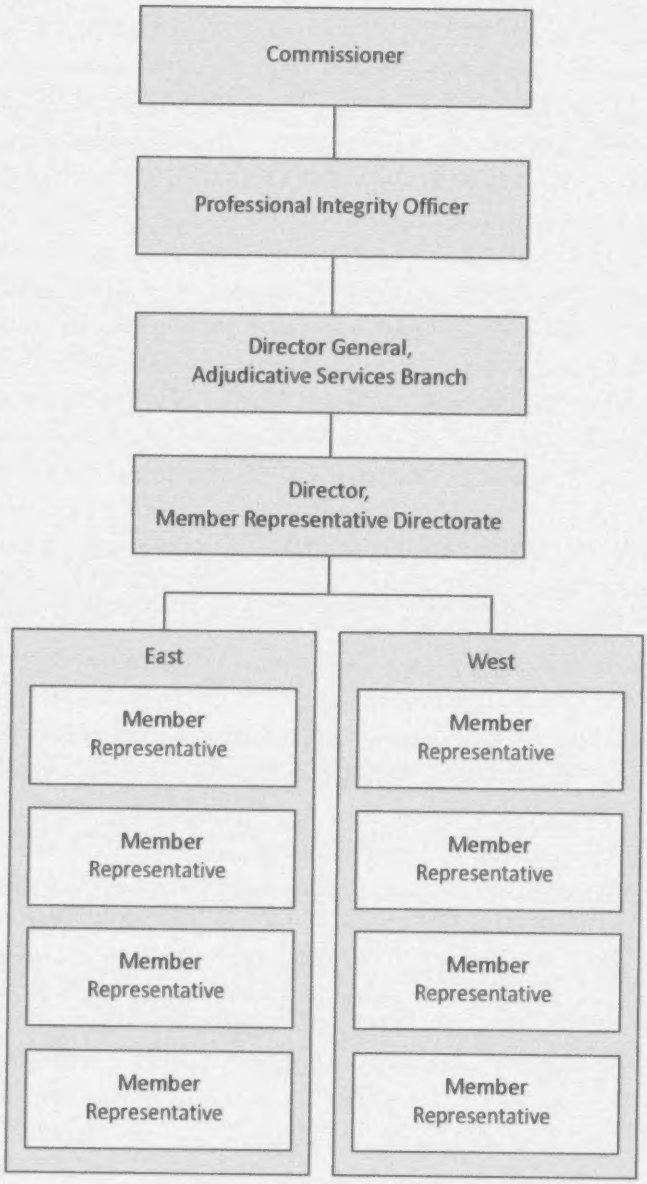
- maintain the confidentiality of information provided by the members they assist;
- obtain necessary information from them and from other sources in order to fully assess their situation;
- provide preliminary and ongoing professional advice; and
- where applicable, communicate and discuss with the appropriate officer representative ways to resolve issues relating to a given file.

The confidentiality of communications between subject members and their representatives is protected not merely by the *Representative's Code of Ethics*, but also by the privilege established by the *RCMP Act*, and by the fact that the representatives are lawyers obligated to protect solicitor-client privilege.

The Member Representatives Directorate serves an important role in fostering more effective formal discipline and administrative discharge proceedings. Member representatives are able to assist members involved in these processes in making informed decisions. On most occasions, the involvement of member representatives helps facilitate the negotiation of outcomes without the need for a formal discipline hearing. When appropriate, this service can result in negotiated resignations.

On other occasions, member representatives are able to bring issues to light through negotiations, hearings or written submissions which enable decision-makers to consider information which might not have been previously known. Member representatives play a key role in helping the RCMP effectively hold members accountable in a manner which reflects the values of our organization.

Figure 6: Member Representatives Directorate Organizational Chart



2.5 Employee and Management Relations Branch

The *Enhancing Royal Canadian Mounted Police Accountability Act*, an Act to amend the *RCMP Act*, will bring many changes to the structure of the Employee Management and Relations Branch. These changes are only expected to be fully implemented in the 2014-2015 fiscal year and include a complete reorganization of the branch and expansion of several units to help the Branch carry out its new mandate.

Currently, the Employee Management and Relations Branch is headed by a Director General and is composed of multiple directorates, including the Professional Standards and External Review Directorate, which itself consists of four units, all of which have roles related to the RCMP's disciplinary system:

- the Professional Standards Unit;
- the Special Advisory Unit;
- the External Review Unit; and
- the Public Complaints Unit.

The Professional Standards and External Review Directorate is the national policy centre for grievances, discipline, Code of Conduct investigations, public complaints, suspension (with or without pay) and legal assistance at public expense to RCMP employees. In addition, the Professional Standards and External Review Directorate advises and assists the Commissioner with respect to public complaints, grievances adjudicated by the Commissioner, and appeals of decisions reached by RCMP adjudication boards in discipline and demotion/discharge matters.

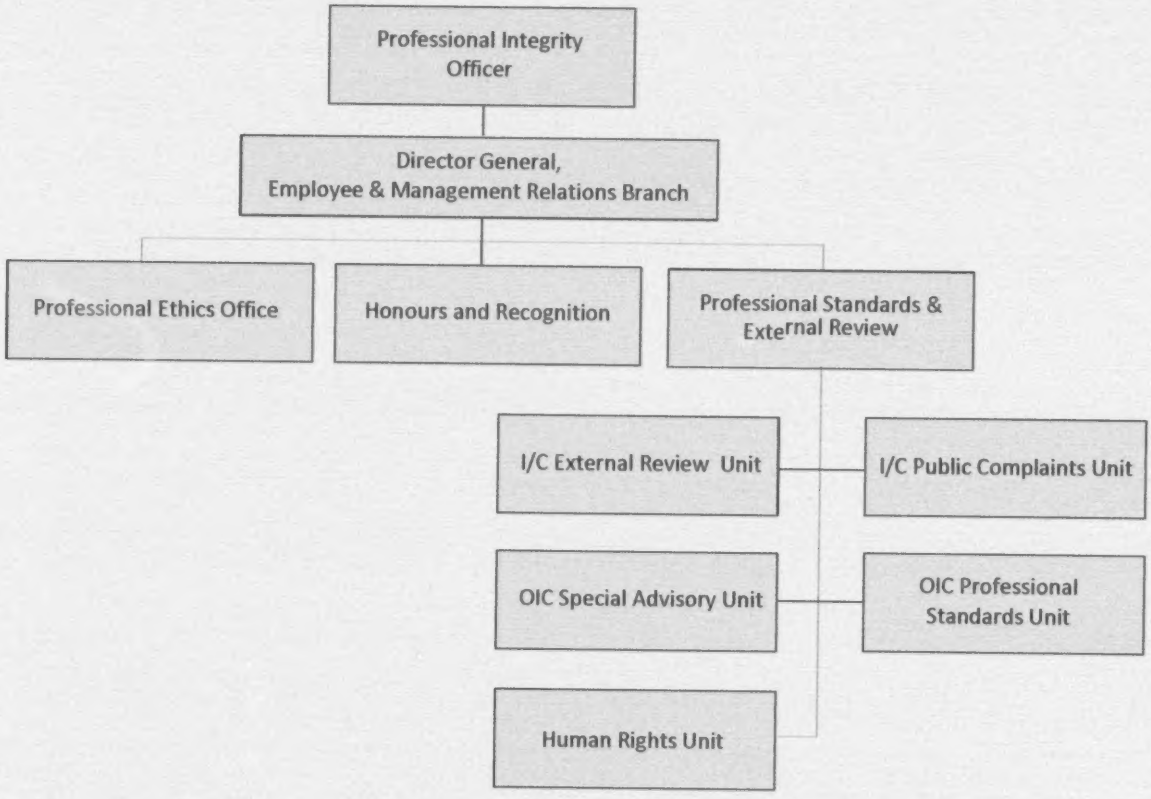
Within the Professional Standards and External Review Directorate, the Professional Standards Unit oversees policies including grievances and discipline. The unit is mandated to develop policies and monitor their application and implementation to ensure RCMP members receive fair treatment and maintain the high standards of conduct the public expects.

The Special Advisory Unit provides advice and assistance to decision-makers in relation to recommendations for stoppage of pay and allowances, informal disciplinary appeals, and appeals of discharge for unsuitability by probationary members. The unit is also responsible for providing policy advice to stakeholders in divisions on processes such as discipline, suspensions, administrative discharges and internal investigations. The member in charge of the Special Advisory Unit acts as the registrar for appeals of informal discipline. He or she is also the coordinator for RCMP input into any proposed amendments to the Commissioner's Standing Orders and policies.

The External Review Unit provides advice to the Commissioner in relation to his or her adjudicative function in disciplinary appeals, discharge and demotion appeals, Level II grievances (the final level of grievance adjudication in the RCMP), and certain administrative discharges. The unit provides the Commissioner's instructions to the Department of Justice in its representation of the RCMP in judicial review applications of discipline decisions before the Federal Court.

The Public Complaints Unit is tasked with providing integrated management of all aspects of public complaints pursuant to Part VII of the *RCMP Act*. The public complaints regime is a separate process from discipline and grievances under the *RCMP Act*. Although the public complaints process is legislatively distinct from the disciplinary process, a public complaint may result in a separate Code of Conduct investigation, and potentially, the imposition of discipline.

Figure 7: Professional Standards and External Review Directorate Organizational Chart


Professional Integrity Officer
Director General, Employee & Management Relations Branch
Professional Ethics Office
Honours and Recognition
Professional Standards & External Review
I/C External Review Unit
I/C Public Complaints Unit
OIC Special Advisory Unit
OIC Professional Standards Unit
Human Rights Unit

2.6 Divisional Role

(i) Professional Standards Units

Professional Standards Units are in place across the country and operate at the divisional level as part of the human resource function of the RCMP. These units remain a decentralized component within the disciplinary system. Since the units report through the divisional hierarchy, policy from the Professional Standards and External Review Directorate is the primary means of ensuring consistency in their operations.

Divisional Professional Standards Units are integral to the RCMP discipline regime, and generally speaking, serve two functions.

The first is the ongoing management of policy for all matters with respect to public complaints and Code of Conduct investigations for their respective divisions.

The second is the provision of investigative services for both internal and public complaints, as well as ensuring consistency, quality and timeliness of investigations. Investigations may also be undertaken by a detachment commander, his or her designate, or any other designated person. Capacity, seriousness of the matter, skills, experience and other practical considerations are all factors in the decision as to which component of the organization investigates a Code of Conduct or public complaint matter. As set out in RCMP discipline policy,[11]

[11] *Royal Canadian Mounted Police Administration Manual* at XII.4.4.1.7. (*"Administration Manual"*).

a Code of Conduct investigation should not take more than six months to complete unless exceptional circumstances exist.

The Professional Standards Units in the divisions play a vital role in providing advice and guidance to all employees, managers and members of the public on matters relating to:

- internal investigations,
- discipline,
- harassment, and
- performance management.

The availability of such advice in the divisions is important in helping managers address conduct and performance issues, thereby meeting the objective of administering discipline at the most appropriate supervisory level.

(ii) Discipline Reviewers

Another important component of divisional Professional Standards Units within the disciplinary system is the role of the discipline reviewers.[12] Discipline reviewers provide advice on alleged Code of Conduct contraventions including whether they are likely to be proven, possible disciplinary measures, and how matters might appropriately be resolved. Where decisions are made to recommend formal discipline, discipline reviewers will turn the matter over to an appropriate officer representative, but may provide assistance in preparing cases to be heard by the adjudication board.

The key role of discipline reviewers is to bring greater consistency to disciplinary matters and, as such, supervisors are encouraged to consult them on the use of informal discipline or the need to recommend formal discipline. RCMP policy stipulates supervisors must consult with discipline reviewers for incidents involving serious statutory offences where formal discipline is not being considered. Supervisors are also encouraged to consult discipline reviewers in cases where "there is no contravention of the Code of Conduct or there is a contravention of the Code of Conduct but it does not warrant disciplinary action."[13]

Discipline reviewers may assist in the preparation of allegations of misconduct, and also review, draft and process reports and correspondence on disciplinary matters, as well as documentation relating to suspensions. In addition, they are responsible for monitoring the quality and timeliness of Code of Conduct investigations. Within the RCMP, access to disciplinary records is carefully monitored and controlled. Discipline reviewers assist in ensuring access to such information is appropriate.

In 2014-2015, in response to implementation of legislative reform, it is anticipated that the Office of Professional Integrity and its associated branches and units will be subject to significant reorganization and realignment of activities, roles, and responsibilities.

[12] Across the RCMP, the terms "discipline reviewer", "discipline advisor" and "discipline NCO" are used interchangeably. For the sake of consistency, "discipline reviewer" is used here.

[13] RCMP *Administration Manual*, see note 18 at XII.6.F.2.d.2.

CHAPTER 3

2013-2014

The Disciplinary Regime in Practice

3.1 Formal Discipline

This chapter commences with an overview of activities that occurred in Adjudicative Services Branch Directorates in 2013-2014. This overview provides a foundational context for considering the data relating to the formal disciplinary process. The chapter then takes a brief look at informal discipline, member suspensions, and initiatives of interest.

(i) Overview of Directorates' Activity

(1) Discipline Adjudications Directorate

Though less of a challenge than in recent years, resourcing continued to pose a challenge for the Discipline Adjudications Directorate in 2013-2014. While the measures taken in previous years to resolve vacancies were successful, including much-needed additional capacity to conduct hearings in both official languages, a promotion within Discipline Adjudications Directorate, diminished the impact of these measures. Discipline Adjudications Directorate operated short-handed for ten months of the year.

Nonetheless, Discipline Adjudications Directorate enjoyed its most productive year ever. The Directorate adjudicated 61 formal discipline matters over the course of the year, an increase of 42% from the previous year's 43 matters and 9% over the previous high of 56 in 2008-2009. An additional 39 formal discipline files were concluded without a hearing during the year, 26 of which involved the subject member resigning from the RCMP. In the other 13 cases, the allegations against the subject member were withdrawn by the appropriate officer. Not including two Part V discharge and demotion matters, the 100 matters which were concluded during the year represents a 14% increase over the 88 matters concluded last year. This resulted in the inventory of Discipline Adjudications Directorate files dropping from 144 at the beginning of the year to 124 on March 31, 2014.

The 61 discipline matters heard in 2013-2014 are especially significant given that such matters require not only the coordination of hearing logistics, and the preparation and publication of a decision, but may also require one or more pre-hearing conferences and/or pre-hearing motions. It is worth noting that there were a number of unusually lengthy and complex matters that came before adjudication boards this year. Adjudicators also chaired hearings that continued into the new fiscal year (and thus will be reflected in next year's report), dealt with numerous pre-hearing matters and, at the end of the reporting period, had 14 formal hearings scheduled to take place in 2014-2015.

As reflected in the statistics above, this year saw the continued use by appropriate officers of discharge and demotion boards pursuant to Part V of the *RCMP Act*, a process which for several years before 2011-2012 had only been used infrequently, if at all. Although these are not related to discipline, Discipline Adjudications Directorate also manages and adjudicates these matters. Two Part V matters were concluded during the year, one after a two week formal hearing and the second after the Notice of Intention to Discharge was withdrawn by the appropriate officer after five days of hearing.

Finally, as previously noted, in addition to discipline and discharge and demotion boards, Discipline Adjudications

Directorate also processes and decides certain types of grievance appeals. These too represent a not inconsequential volume of work not otherwise represented in this report. In total, Discipline Adjudications Directorate Level II Adjudicators issued decisions in 45 such matters, an increase in production of 25% over 2012-2013.

As judged by the number and scope of media requests received by Discipline Adjudications Directorate, this year also showed continued interest by the media public in formal discipline matters. For example, there were several media requests for copies of all decisions covering multiple years. These large scale requests take significant time and effort to process.

Coincidentally, the RCMP has been revising its protocol concerning the release of formal discipline decisions and related materials, seeking to balance the competing interests of the "open courts" principle and recognized public interest in police discipline matters on the one hand and the privacy interests of subject members and witnesses in discipline hearings on the other. These revisions are undertaken in recognition of the far-reaching and long-lasting impact of the Internet and to bring the Force's practice into closer alignment with recommendations of the Canadian Judicial Council concerning publication of judicial and quasi-judicial decisions. Those same concerns have led to a modest change in the way in which discipline decisions are drafted by adjudicators. The revised protocol remains a work in progress.

(2) Appropriate Officer Representatives Directorate

This past fiscal year, with an increase in both the volume and the complexity of issues the Appropriate Officer Representatives Directorate had to address, was reminiscent of the previous year.

The Appropriate Officer Representatives Directorate workload has been affected by an increased focus within the RCMP over the last few years to increase levels of accountability through formal discipline processes, especially for integrity issues. This shift was reflected in more contested hearings as more significant sanctions have been sought. This trend continued in 2013-2014. Another consequence of increased focus on accountability has been a substantial increase in stoppage of pay applications - some of which were both time consuming and complex. The impact of the increased use of stoppage of pay applications has been magnified by the fact that the time spent dealing with these applications reduces the capacity to deal with hearings both on the part of appropriate officer representatives (who are drafting the applications) and member representatives (who are responding to the applications).

The last reporting period also saw an increase in performance discharge matters being pursued. This work is not reflected in statistics maintained in relation to formal discipline hearings; however performance discharge hearings have a significant impact on the overall capacity of appropriate officer representatives as they too are both complex and time consuming.

The volume of discipline matters managed and concluded in this reporting period saw a 14% increase compared to last year still with many of the files addressed being more difficult and time and resource intensive. Appropriate officer representatives continue to work with member representatives to deal with cases which are awaiting disposition. As of the end of March 2014, the Directorate was also involved in the 14 matters already scheduled for hearing in 2014-2015.

Moving towards a more intelligence-led approach to discipline and file management, the Appropriate Officer Representatives Directorate began using the National Code of Conduct Database in January 2013. The database was updated and became a web application as of January 2014. This database is stable and functional for daily use and represents a shift towards a more well-

informed and proactive approach to discipline. Information entered at the very start of a conduct investigation - by units from across the country – is shared in real time with the appropriate officer representatives, who in turn, are adding information to their portion of the database (information to which they alone have access) which improves their capacity to track and manage their files and share information (as appropriate) with investigators and adjudicators. The Appropriate Officer Representatives Directorate is still investing a significant amount of time and effort in establishing their portion of this database. Continuing work begun the previous year, employees from the Appropriate Officer Representatives Directorate are entering historical data and fine tuning features of the database in order to maximize the utility of this tool.

The Appropriate Officer Representatives Directorate will continue to improve its effectiveness by leveraging new technology, increasing the volume of work it performs and adapting to new challenges as they arise.

(3) Member Representatives Directorate

Over the last few years, the Member Representatives Directorate has been challenged by an increasing demand for service from members of the RCMP. During the 2013-2014 fiscal year, member representatives initiated 219 files – a decrease from 251 last year but significantly higher than 141 which is the annual average since 2000-2001. In addition to formal discipline hearings, this year's work included 17 files relating to stoppage of pay applications, three files relating to administrative discharge proceedings and one file relating to a medical discharge – these document intensive processes were disproportionately complex and time consuming compared with other matters within the Member Representatives Directorate's mandate.

The statistics over the last fiscal year do not fully reflect the scope and quality of work achieved by the Member Representatives Directorate over the last year. In 2013-2014, Adjudicative Services Branch concluded 100 formal discipline matters (including two Part V performance discharge hearings) compared with 89 formal discipline matters (including one Part V performance discharge hearing) during the previous fiscal year. This successful outcome represents a fairly consistent number of matters being resolved through contested hearings, negotiated resignations and withdrawals. It also represents a dramatic increase in matters successfully being resolved through the Expedited Resolution Process. Member representatives successfully negotiated 47 expedited resolutions this year resulting in files being resolved through agreed statements of facts instead of contested hearings. This is a dramatic 51.6% increase from the previous fiscal year in which only 31 matters were resolved through ERPs. The increasing use of the Expedited Resolution Process represents the successful resolution of more discipline matters in a less formal – and more time/cost efficient – manner. Despite increasing demands for their time, member representatives have continued to pursue outcomes which reflect the values of the RCMP. The Member Representatives Directorate continues to provide meaningful advice to members at the earliest possible stage in formal matters in order to facilitate informal resolutions whenever possible. Consultations – provided prior to formal discipline being initiated – have frequently enabled member representatives to negotiate resignations or consensual medical discharges before formal discipline proceedings have even been commenced. In other cases, member representatives have effectively advocated for members to ensure that decision makers – commanding officers or adjudication boards – have been able to make well-informed decisions which reflect issues and/or information which had not previously been brought to light.

Figure 8: Member Representatives Directorate Incoming Files 2013-2014

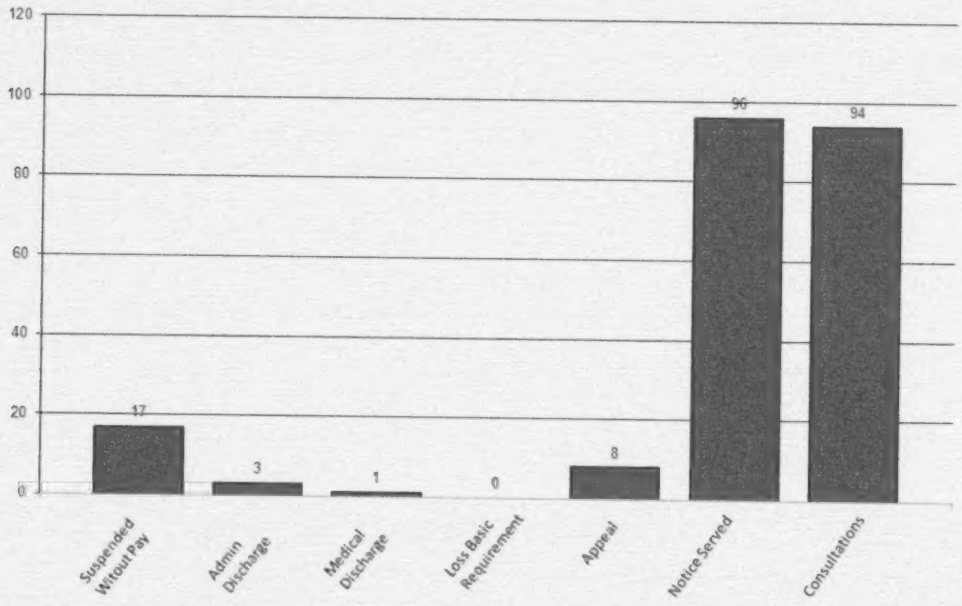
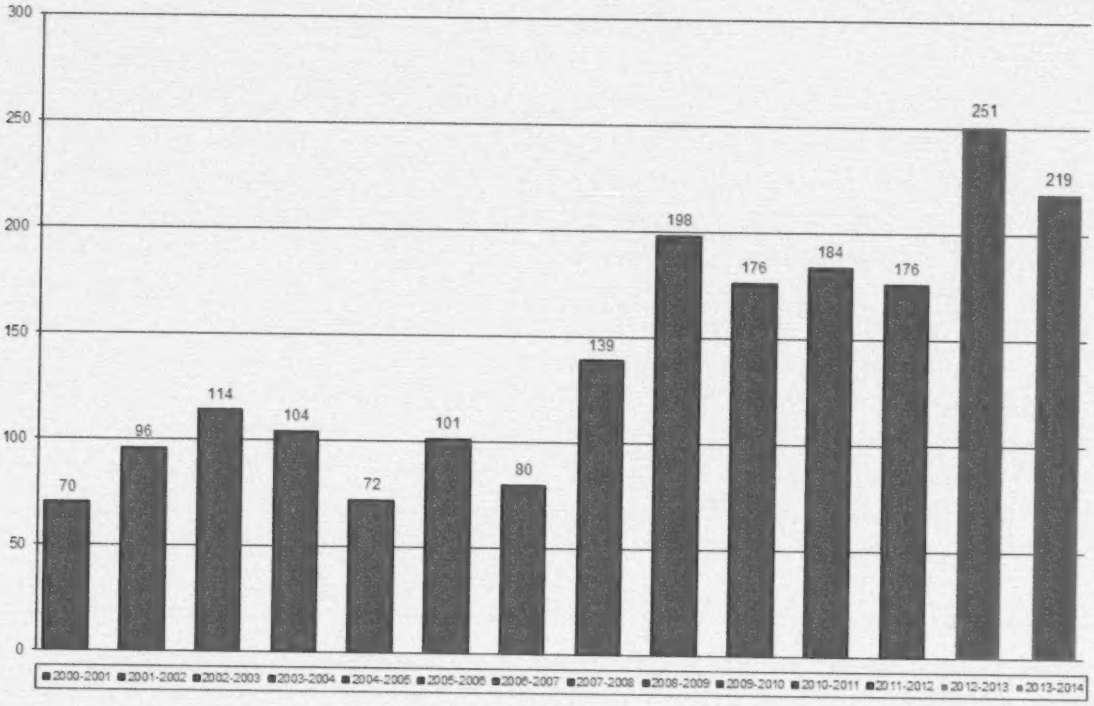


Figure 9: Member Representatives Directorate Incoming Files - 2000 to 2014



(ii) Branch Initiatives

While work on certain previously reported initiatives continued, the demands of legislative reform, and the changes it will bring, were the subject of considerable focus by some Adjudicative Services Branch personnel in addition to their regular duties. In this context significant progress was made both on Branch initiatives and day-to-day case loads.

(1) Centralization of Adjudicative Services Branch

The 2011-2012 report made reference to the decision to initiate the re-location of remaining directors' positions to the National Headquarters as part of the continued centralization of Adjudicative Services Branch. This re-location was successfully completed in 2012-2013.

The 2011-2012 report also noted the ongoing evaluation of the budgetary, accountability and resourcing pressures associated with having offices of the Appropriate Officer Representatives Directorate and the Member Representatives Directorate situated across the country. Over the 2013-2014 time frame, as part of the Legislative Reform Initiative, managers in the Office of Professional Integrity considered the benefits of consolidating the Appropriate Officer Representatives Directorate and the Member Representatives Directorate resources in one or more centralized locations. To maximize the benefits and to align these offices with changes which will necessarily accompany the implementation of the *Enhancing Royal Canadian Mounted Police Accountability Act*, Adjudicative Services Branch decided that the best direction would be to continue to further centralize resources of both directorates at RCMP HQ in Ottawa. Consistent with this decision, and the need to minimize impact on productivity, resources are being centralized as opportunities arise.

(2) Expedited Resolution Process (ERP)

As reported in previous years, Adjudicative Services Branch continues to place emphasis on what was originally called the Early Resolution Process and is now known as the Expedited Resolution Process. Where possible and appropriate, parties are being encouraged to settle formal discipline cases with minimal delay. The Expedited Resolution Process allows for more timely resolution of formal disciplinary hearings where allegations are of a nature that would not reasonably result in an adjudication board considering dismissal from the Force as a sanction (normally because the appropriate officer has not sought dismissal). The underlying philosophy of the Expedited Resolution Process continues to be flexibility and the expeditious resolution of appropriate cases with a modern, problem-solving approach rather than through adversarial means. The name change reflects increased flexibility in the types of cases that can be resolved using the process, including instances in which although the underling facts are agreed upon, the appropriate sanction is not. Following recommendations of the RCMP External Review Committee and direction from the Commissioner, aspects of the Expedited Resolution Process have been formalized in policy by way of an administrative policy bulletin and in communications with members subject to formal discipline to ensure they understand the benefits as well as the limitations of participating in the Expedited Resolution Process.

The Expedited Resolution Process clearly continues to be an effective and efficient means of disposing of the greatest percentage of cases requiring a hearing. As Figure 10 shows, this reporting period saw 47 of 61 cases resolved through the expedited process, which brings the six year total to 225 of 300 cases. It also shows that despite a significant increase in the sheer number of matters resolved, the 77% of matters which proceeded by the expedited process in 2013-2014 is very consistent with the six year average of 75%.

Figure 10: Expedited Resolution Process: Concluded Formal Discipline Cases 2008 to 2014

Fiscal year	Number of ERPs	Total Number of Discipline Cases Disposed of	Percentage
2008-2009	37	56	66.07
2009-2010	32	43	74.42
2010-2011	41	46	89.13
2011-2012	37	51	72.55
2012-2013	31	43	72.09
2013-2014	47	61	77.05
Total	225	300	75.00

(3) Maintenance and Monitoring of Records

The 2011-2012 report made reference to the creation of a new electronic database to replace two older databases used by Discipline Adjudications Directorate. Work on the creation and implementation of that database, the National Code of Conduct Database, was largely completed by the end of the 2012-2013 fiscal year. In 2013-2014, the database was fully implemented and it linked both the Professional Standards and External Review Directorate and the Appropriate Officer Representatives Directorate which improves file management and tracking. The database is more intuitive to use, reduces the need to enter the same data into multiple systems, improves data-entry consistency and offers a wider range of reports. The discipline registrars can now access the database to input and retrieve real-time information on discipline cases organization-wide. With the reporting function complete and sufficient historical data having been entered, the database enables case load management and trend identification.

(4) Training

Outreach and training programs remain a focus for the Office of Professional Integrity. This is particularly true with the recent legislative changes. Formal as well as informal information and/or training sessions focusing on values, ethics and discipline were delivered throughout the year to employees in various categories. The focus of these sessions varied according to the audience. In addition to numerous sessions to familiarize managers with changes related to 2013's *RCMP Act* amendments, other training sessions generally included the Code of Conduct, the *Public Servants Disclosure Protection Act*, the Values and Ethics Code for the Public Sector, the Organizational Code of Conduct and Administrative Law Principles. Specific target audiences included the:

- Cadet Training Program;
- Field Coaching Program;
- Management Development Program;
- Supervisor Development Program; and,
- Executive Officer Development Course.

(5) Other Initiatives

As always, Adjudicative Services Branch continues to evaluate the disciplinary process in order to improve the timeliness of resolving cases and to increase the overall effectiveness of the management of the RCMP formal disciplinary regime. Processes adopted in 2011-2012 to enhance and expedite the formal disciplinary process have been effective and thus continued. These included:

- pre-setting hearing dates when there are no parallel proceedings (e.g., criminal charges pending in the courts) against the subject member in order to encourage a more timely resolution of the case;

- renewing the emphasis on dealing with discipline at the lowest level possible, when appropriate, and continued, even expanded, use of the Expedited Resolution Process;

- reminding the appropriate [commanding] officers to review their inventory of cases on an ongoing basis to determine whether any can be resolved without being contested;

- developing and delivering training for line officers and others who make decisions on informal and formal disciplinary matters thus supporting them in their roles and responsibilities;

- using legally-trained members to assist with the inventory of cases and to create potential future resources for Adjudicative Services Branch; and,

- staffing more positions and securing additional temporary funding to address the inventory of cases.

In addition to the foregoing, Adjudicative Services Branch has also been employing experienced former members on a temporary basis to assist with the inventory of cases. The Branch has also been examining the re-introduction of the Law School Program.

(6) Formal Discipline Activities

Figures 11 to 25 provide a more detailed overview of Adjudicative Services Branch activities as well as other statistical information relating to formal and informal discipline.

During 2013-2014, 100 formal discipline cases were concluded. This represents a significant increase over the previous two reporting periods. 88 cases were concluded last year (2012-2013) and 89 the year before that (2011-2012). The three most recent years represent a significant increase over the 2010-2011 total of 73.[14] Of the 100 formal discipline cases concluded, 61 were adjudicated compared to 43 adjudicated in 2012-2013 and 51 adjudicated in 2011-2012.[15]

As previously mentioned, in addition to 47 Expedited Resolution Process matters, adjudication boards heard 14 contested cases in 2013-2014. Although up from the 12 contested cases heard in 2012-2013, the number of contested cases continues to be well above the 5 in 2010-2011. The Digest of Cases provides summary information for each of the 61 adjudicated cases. In addition to the 61 matters which proceeded by way of hearing, there were 13 formal discipline cases withdrawn and 26 cases resolved by way of the resignation of 22 members. It should be noted that the withdrawal of allegations or the resignation of members usually only follows diligent work by investigators, appropriate officer representatives as well as member representatives.

[14] Refer to the 2010-2011 Annual Report on The Management of the RCMP Disciplinary Regime.

[15] Refer to the 2011-2012 Annual Report on The Management of the RCMP Disciplinary Regime.

Figure 11: Formal Discipline Cases Disposed of by Division 2013-2014

Division	VIA Contested Hearing	VIA Expedited Resolution Process	Discipline Cases Withdrawn	Discipline Cases Resolved by Way of Resignations	Number of Concluded Discipline Cases 2013-2014
National / A		1		1	2
B					
C	1	2	2		5
D	1	1	1		3
Depot					
E	4	19	5	10	38
F		4		2	6
G	1				1
H		1			1
HQ	1	6	1	3	11
J	1	3		1	5
K	5	5	4	8	22
L		2		1	3
M					
O		3			3
V					
Total	14	47	13	26	100

Sanctioning a member by way of a reprimand alone occurred in only one instance during this reporting period. This low number is consistent with there being no reprimand alone sanctions in either of the two previous years and only two such sanctions in the period before that. A total of 357.5 days of pay were forfeited by 55 members this reporting period.[16]

- In 2012-2013, a total of 249 days of pay were forfeited by 42 members.
- In 2011-2012, a total of 311 days of pay were forfeited by 49 members.
- In 2010-2011, a total of 287 days of pay were forfeited by 46 members.
- In 2009-2010, a total of 280 days of pay were forfeited by 43 members.
- In 2008-2009, a total of 378 days of pay were forfeited by 56 members.

[16] For senior regular members one day of pay ranges from $314.73 for a constable to $536.32 for a superintendent.

Over the last six years the average number of days of pay forfeited by members has ranged from a low of 5.9 to a high of 6.75 days. At 6.5 days per member, this year's average is up from last year's lowest average of 5.9 days, but only slightly higher than the 6 year average of 6.4 days. These pay forfeitures represent real penalties. This year the average cost to a disciplined member was more than $2000 in forfeited pay.

Although, as the upcoming Digest of Cases shows, there is a wide range of sanction on a case-by-case basis that reflects the severity of the underlying misconduct or factors that go to aggravation or mitigation, the average financial penalty has remained consistent. These results are consistent with a primarily remedial and corrective, rather than a punitive, approach to formal discipline matters.

Over the past five years there has been a general trend towards an increase in the number of days it takes for a formal discipline matter proceeding to reach its conclusion after a notice of hearing has been issued. The discipline regime has become increasingly complex with lengthier processes and hearings. The five-year average time to conclude a formal discipline matter is about 420 days. At the end of 2013-2014, matters were waiting about 514 days, up from 499 days a year earlier. This increase can be attributed to several factors: there is a large number of cases that are not advancing because of parallel criminal proceedings; an unusually high number of matters that were carried over from the previous year; a high number of new cases introduced into the formal discipline process this year; and, a simultaneous increase in other work within Adjudicative Services Branch that must be addressed in addition to discipline matters. Lengthy procedures are a drain on resources and prevent the RCMP and the member from addressing the situation and moving on. The increased time to conclude formal discipline matters is a troubling trend which clearly illustrates that the current disciplinary regime had outlived its usefulness.

Figure 12: Formal Discipline – Average Days to Conclusion

Fiscal Year	Average Number of Days to the Conclusion of Formal Discipline Cases
2009-2010	369
2010-2011	332.9
2011-2012	384.65
2012-2013	499.55
2013-2014	513.63
Average	419.95

It was observed in the 2011-2012 report that increased scrutiny and the stated expectations of the new Commissioner might lead to an increase in both the number of formal discipline cases and suspensions. This may well have been an accurate forecast. For this, and the previous reporting period, some evidence to support this proposition is found in the increased workload experienced by the Member Representatives Directorate, the significant increase in the number of suspension without pay applications, and the high number of new formal discipline cases initiated in each of the past two reporting periods,

Adjudicative Services Branch, continued to face a heavy workload, as represented by the 144 cases carried over from the previous fiscal year. The number of cases carried over into this reporting period was well above the previous year's 128 cases. The 14 year average of cases carried over now sits at 91, up from 87. However, at 127, the number of cases which will be carried over into the next reporting period has been significantly reduced. The reduction is due to fewer new cases in 2013-2014 (83) than in 2012-2013 (104) and more cases having been disposed of by hearing (61), despite fewer cases being withdrawn or dealt with by way of resignation.

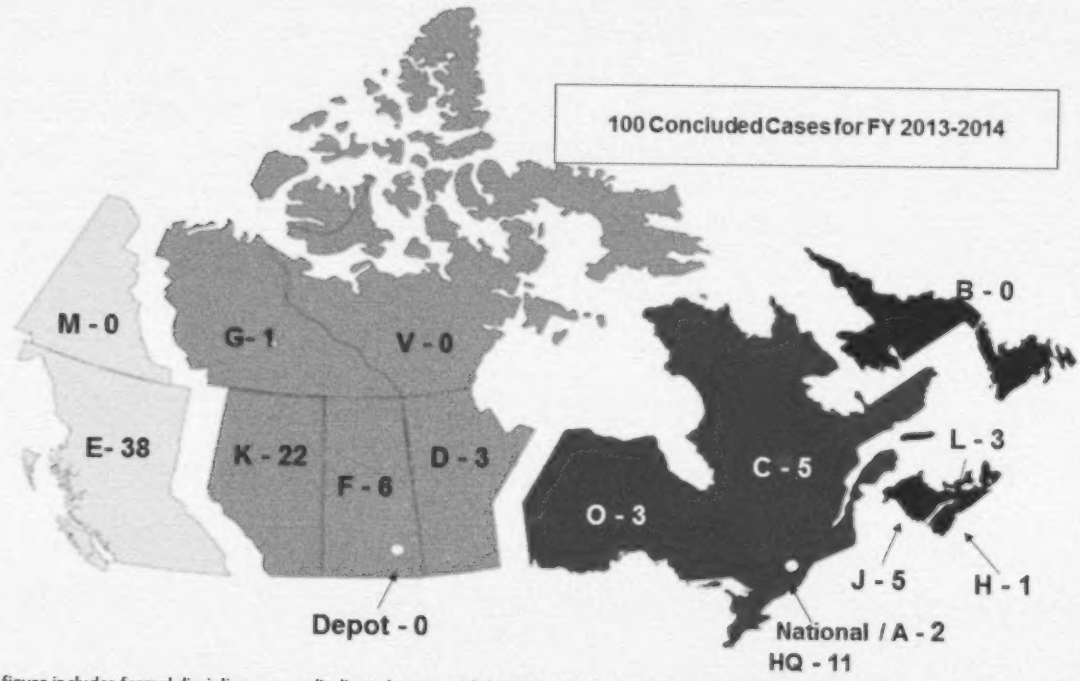
Figure 13: Formal Discipline Caseload Activity Year-to-Year Comparison 2000 to 2014

Fiscal year (FY)	Carried over from Previous FY	New Cases	Cases Disposed of	Cases Withdrawn	Cases by Way of Resignations	Year-End Balance
2000-2001	21	61	23	6	10	43
2001-2002	43	78	39	8	7	67
2002-2003	67	87	54	8	17	75
2003-2004	75	96	49	17	6	99
2004-2005	99	106	63	15	23	104
2005-2006	104	81	70	18	20	77
2006-2007	77	99	47	14	12	103
2007-2008	103	83	52	24	13	97
2008-2009	97	69	56	12	13	85
2009-2010	85	89	43	16	13	102
2010-2011	102	100	46	7	20[17]	129
2011-2012	129	88	51	14	24[18]	128
2012-2013	128	104	43	18	27[19]	144
2013-2014	144	83	61	13	26[20]	127
14 Year Average	91	87.43	49.79	13.57	16.50	98.57
Range	21/144	61/106	23/70	6/24	6/27	43/144

[17] Twenty cases were disposed of by way of 13 members resigning.
[18] Twenty-four cases were disposed of by way of 15 members resigning.
[19] Twenty-seven cases were disposed of by way of 17 members resigning.
[20] Twenty-six cases were disposed of by way of 22 member resigning.

Not surprisingly, given it has the largest number of members (7,113), "E" Division had the most concluded disciplinary cases (38). "K" Division, the next largest with 3,160 members, had 22 concluded cases. Most of the smaller divisions recorded no formal discipline matters concluded this fiscal year. In broad terms, as one might reasonably expect, there is some correlation between the size of a division and the number of formal discipline matters arising in it.

Figure 14: Concluded Disciplinary Cases by Division



This figure includes formal discipline cases adjudicated, cases withdrawn by the Appropriate Officer and cases disposed of by way of resignation.

Over the last five years, the average number of new adjudication boards being empaneled was 92.8. This is higher than the 14-year average of 87.43. The 2013-2014 reporting period, however saw only 83 new boards empaneled, this is down significantly from 104 the year before and is the lowest number of new boards empaneled in the past five years. The number of cases adjudicated this past year was 61, significantly higher than the 14 year average of 49.79. These circumstances put Adjudicative Services Branch in a position to reduce the number of carry-over cases from 144 to 127.

Figure 15: Formal Discipline Statistics 2000 to 2014

Fiscal year	New Cases	Cases Adjudicated	Cases Withdrawn	Cases by Way of Resignations
2000-2001	61	23	6	10
2001-2002	78	39	8	7
2002-2003	87	54	8	17
2003-2004	96	49	17	6
2004-2005	106	63	15	23
2005-2006	81	70	18	20
2006-2007	99	47	14	12
2007-2008	83	52	24	13
2008-2009	69	56	12	13
2009-2010	89	43	16	13
2010-2011	100	46	7	20
2011-2012	88	51	14	24
2012-2013	104	43	18	27
2013-2014	**83**	**61**	**13**	**26**
Totals	1224	697	190	231
14 year average	87.43	49.79	13.57	16.50
Range	61 to 106	23 to 70	6 to 24	6 to 27

Another trend seen over the last four years has been the increased number of members resigning before the completion of the formal process. Consequently there is also an increased number of cases that are disposed of without the need for adjudication.

Figure 16: Member Resignations that Disposed of Cases 2010 to 2014

Fiscal Year	Cases Disposed of by Way of Resignations	Member Resignations
2010-2011	20	13
2011-2012	24	15
2012-2013	27	17
2013-2014	26	22
Totals	97	67
4 year average	24.25	16.75

Despite the fact that the number of members has declined in each of the past three years, the current number of members is still up 4,999 from 2002-2003. Compared to the 2002-2003 to 2005-2006 time frame, the past four years have seen relatively low discipline rates. This year the percentage of the member population who received formal discipline was 0.25. This is comparable to the 11-year average of 0.26 percent. For the purposes of Figure 17, the percentage of members disciplined is also provided as a "Discipline Rate" expressed as the number of formal disciplinary actions per 1000 members. For example, 0.25 percent of members receiving formal discipline represents, means that just 2.5 members out of each 1000 were subject to formal discipline.

Misconduct , in terms of serious acts of misbehavior requiring formal discipline, is not satisfactory from an organizational and public perspective. Figure 17 shows that over the past eleven years the rate of formal discipline has been generally declining, with the Discipline Rate in recent years being about 0.05 percent less than the rates seen a decade ago. Organizationally this trend and the low Discipline Rates are certainly encouraging and help put even high-profile discipline problems into perspective.

Figure 17: Percentage of Members Who Have Received Formal Discipline Compared to the Total Established Number of Members on Strength 2002 to 2014

Fiscal Year	Total Number of Members	Number of Members who Have Received Formal Discipline	Percentage of Members Who have Received Formal Discipline Compared to the Total Established Number of Members on Strength for the Noted Fiscal Year	Discipline Rate (Number of discipline actions per 1000 members)
2002-2003	17,698	54	.30%	3.0
2003-2004	18,028	49	.27%	2.7
2004-2005	18,445	63	.34%	3.4
2005-2006	18,744	70	.37%	3.7
2006-2007	19,238	47	.24%	2.4
2007-2008	20,165	52	.25%	2.5
2008-2009	20,948	56	.26%	2.6
2009-2010	22,016	43	.19%	1.9
2010-2011	23,016	46	.19%	1.9
2011-2012	23,362	49	.20%	2.0
2012-2013	23,156[21]	42	.18%	1.8
2013-2014	22,697	56	.25%	2.5

[21] Corrects 2012-2013 annual report data which overstated the number of members by inadvertently including temporary employees.

The Digest of Cases provides detail on the formal discipline matters adjudicated during the 2013–2014 fiscal year.

Data from the last two years shows that in general terms, the proportion of constables (63) corporals (14), sergeants (10), staff sergeants (3) and civilian members (7) who received formal discipline is generally in proportion to their representation in the Force. Further research will be conducted to develop more historical data, a process which will be aided by the National Code of Conduct Database.

Digest of Cases – Fiscal Year 2013-2014

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y / N)
1	April 10, 2013 **13 A.D. (4th) 409**	Sergeant	22	E	Subsection 39(1)	Intoxicated in public	Reprimand and forfeiture of 3 days' pay	Off duty	Yes
2	April 19, 2013 **13 A.D. (4th) 419**	Corporal	16	HQ	Subsection 39(1)	Impaired driving	Reprimand and forfeiture of 8 days' pay	Off duty	Yes
3	April 19, 2013 **13 A.D. (4th) 428**	Civilian Member	5	HQ	Subsection 39(1)	Impaired driving	Reprimand and forfeiture of 8 days' pay	Off duty	Yes
4	April 29, 2013 **13 A.D. (4th) 458**	Corporal	17	O	Subsection 39(1)	Harassment	Reprimand and forfeiture of 4 days' pay, recommendation of professional counseling	Off duty	Yes
5	May 1, 2013 **13 A.D. (4th) 436**	Corporal	21	C	Subsection 39(1)	Impaired driving	Reprimand and forfeiture of 9 days' pay	Off duty	Yes
6	May 2, 2013 **13 A.D. (4th) 447**	Corporal	28	C	Subsection 39(1)	Leaving the scene of an accident	Reprimand and forfeiture of 4 days' pay	On duty	Yes (Provincial)
					Section 45(b)	Making false, misleading or inaccurate statements	Reprimand forfeiture of 10 days' pay		

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y / N)
7	May 2, 2013 **13 A.D. (4th) 504**	Constable	4	K	Subsection 39(1) x 5	Uttering threats Uttering threats Wearing uniform without authorization Uttering threats Unsafe storage of service firearm and ammunition	Order to resign from the Force within 14 days, in default of which the member to be dismissed from the Force	Off duty	No
8	June 11, 2013 **13 A.D. (4th) 468**	Constable	7	E	Section 45(b) Section 47	Making false, misleading or inaccurate statements Neglect of duty	Reprimand and forfeiture of 10 days' pay	On duty	No
9	June 11, 2013 **14 A.D. (4th) 227**	Constable	9	L	Subsection 39(1) x 2	Assault Unlawful arrest	Reprimand and forfeiture of 4 days' pay	On duty	Yes
10	June 13, 2013 **13 A.D. (4th) 477**	Constable	7	D	Subsection 39(1)	Operating an all-terrain vehicle carelessly	Reprimand and forfeiture of 5 days' pay	Off duty	Yes (Provincial)
11	June 17, 2013 **13 A.D. (4th) 485**	Staff Sergeant	25	L	Subsection 39(1)	Assault	Reprimand and forfeiture of 3 days' pay	Off duty	Yes
12	June 18, 2013 **13 A.D. (4th) 495**	Constable	3	E	Subsection 39(1)	Operating a police motor vehicle without due care and attention	Reprimand and forfeiture of 2 days' pay	On duty	Yes (Provincial)
13	June 21, 2013 **13 A.D. (4th) 578**	Constable	6	E	Subsection 39(1)	Possession of steroids for non-duty related purposes	Reprimand and forfeiture of 8 days' pay	Off duty	No
14	June 21, 2013 **13 A.D. (4th) 568**	Constable	5	E	Subsection 39(1)	Possession of steroids for non-duty related purposes	Reprimand and forfeiture of 8 days' pay	Off duty	No

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y / N)
15	July 3, 2013 **14 A.D. (4th) 1**	Corporal	17	E	Subsection 39(1) x 3	Workplace harassment x 2 Unauthorized use of police database	Reprimand and forfeiture of 8 days' pay and recommendation for special training (harassment) and direction to work under close supervision for 6 months	Off duty	No
16	July 10, 2013 **14 A.D. (4th) 12**	Constable	5	F	Subsection 39(1) x 2	Engaging in consensual sexual relations in the workplace Engaging in personal relationships in a police vehicle	Reprimand and forfeiture of 10 days' pay	On duty / off duty	No
17	July 10, 2013 **14 A.D. (4th) 237**	Constable	24	J	Subsection 39(1)	Harassment	Reprimand and forfeiture of 5 days' pay	Off duty	Yes (charges stayed)
18	July 23, 2013 **14 A.D. (4th) 21**	Constable	4	K	Section 47 x 2	Neglect of duty x 2	Reprimand and forfeiture of 5 days' pay	On duty	No
19	August 2, 2013 **14 A.D. (4th) 458**	Staff Sergeant	18	K	Subsection 39 (1) x 2	Workplace harassment x 2	Allegations not established	On duty	No
20	August 2, 2013 **14 A.D. (4th) 458**	Staff Sergeant	18	K	Subsection 39 (1) x 4	Workplace harassment x 4	Allegations not established	On duty	No
21	August 14, 2013 **14 A.D. (4th) 439**	Constable	8	E	Section 47 x2 Section 44	Neglect of duty x 2 Misapply or unreasonably withhold property in the course of duties	Reprimand and pay forfeiture 4 days' pay Reprimand and pay forfeiture of 2 days' pay,	On duty	No

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y / N)
22	August 26, 2013 **14 A.D. (4th) 32**	Corporal	13	E	Subsection 39(1)	Assault	Reprimand and forfeiture of 3 days' pay	On duty	Yes
23	August 26, 2013 **14 A.D. (4th) 40**	Constable	9	E	Subsection 39 (1)	Illegal hunting	Reprimand and forfeiture of 4 days' pay	Off duty	Yes (Provincial)
24	August 26, 2013 **14 A.D. (4th) 49**	Constable	31	E	Subsection 39(1) x 2	Unauthorized use of police database Uttering a forged document	Reprimand and forfeiture of 9 days' pay	Off duty	No
25	August 30, 2013 **13 A.D. (4th) 588**	Corporal	12	E	Subsection 39(1)	Possession of steroids for non-duty related purposes	Reprimand and forfeiture of 8 days' pay	Off duty	No
26	September 5, 2013 **13 A.D. (4th) 614**	Constable	7	E	Subsection 39(1)	Abuse of authority	Reprimand and forfeiture of 8 days' pay and recommendation for training on Ethics	Off duty	No
27	September 6, 2013 **13 A.D. (4th) 625**	Constable	5	E	Subsection 39(1) x 2	Inappropriate communications with a member of the public Fail to respect privacy	Reprimand Reprimand and 3 days' pay	Off duty	No
28	September 10, 2013 **13 A.D. (4th) 605**	Constable	6	K	Subsection 39 (1)	Domestic dispute	Reprimand and 4 days' pay	Off duty	Yes
29	September 11, 2013 **14 A.D. (4th) 257**	Constable	4	D	Subsection 39(1)	Abuse of position	Reprimand and forfeiture of 7 days' pay	On duty	No
30	September 19, 2013 **14 A.D. (4th) 283**	Sergeant	34	HQ	Subsection 39(1)	Criminal harassment	Reprimand and forfeiture 10 days' pay recommendation professional counseling	Off duty	Yes

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y / N)
31	September 24, 2013 **14 A.D. (4th) 58**	Constable	6	E	Subsection 39(1) x 4	Using unnecessary force x4	Reprimand and forfeiture 10 days' pay	On duty	No
32	September 26, 2013 **14 A.D. (4th) 292**	Constable	4	K	Subsection 39(1) Section 47 Section 40	Inappropriate workplace communications Neglect of duty Failing to obey a lawful order	Reprimand and forfeiture 10 days' pay	On duty	No
33	September 26, 2013 **13 A.D. (4th) 636**	Constable	5	J	Subsection 39(1)	Unsafe handling of a firearm	Reprimand and forfeiture 3 days' pay	On duty	No
34	October 2, 2013 **14 A.D. (4th) 269**	Constable	17	K	Subsection 39(1)	Misappropriation of funds	Reprimand and pay forfeiture 10 days' pay	On duty	No
35	October 8, 2013 **14 A.D. (4th) 69**	Constable	10	E	Subsection 39(1)x 2	Pushing and causing personal injury Breaching provisions of a surety to keep the peace	Reprimand and forfeiture of one half day's pay each	Off duty	Yes
36	October 21, 2013 **13 A.D. (4th) 597**	Staff Sergeant	31	K	Subsection 39(1)	Illegal hunting	Reprimand and forfeiture 2 days' pay	Off duty	Yes (Provincial)
37	October 23, 2013 **14 A.D. (4th) 79**	Constable	10	F	Subsection 39(1)	Assault	Reprimand and forfeiture 8 days' pay	On duty	Yes
38	October 25, 2013 **14 A.D. (4th) 86**	Civilian Member	7	HQ	Subsection 39(1)	Using a government credit card for personal reasons	Reprimand and forfeiture 4 days' pay	Off duty	No
39	October 25, 2013 **14 A.D. (4th) 95**	Sergeant	24	H	Subsection 39(1)	Impaired driving	Reprimand and forfeiture 10 days' pay	Off duty	Yes

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y / N)
40	November 6, 2013 **14 A.D. (4th) 332**	Constable	25	E	Subsection 39(1)	Discharging firearm without cause	Reprimand and forfeiture 7 days' pay and recommended professional counseling	Off duty	Yes (Probation Order for 1 year)
41	November 6, 2013 **14 A.D. (4th) 349**	Constable	6	G	Subsection 39(1)	Impaired driving	Reprimand and forfeiture 8 days' pay	Off duty	Yes
42	December 11, 2013 **14 A.D. (4th) 173**	Corporal	17	O	Subsection 39(1)	Assault and Mischief to property	Reprimand and forfeiture 3 days' pay	Off duty	Yes
43	December 11, 2013 **14 A.D. (4th) 324**	Constable	25	HQ	Subsection 39(1)	Using a government credit card for personal reasons	Reprimand and forfeiture 2 days' pay	Off duty	No
44	December 19, 2013 **14 A.D. (4th) 304**	Constable	9	K	Subsection 39(1) x 3	Abuse of authority Using excessive force Using inappropriate language	Allegations not established	On duty	No
45	December 19, 2013 **14 A.D. (4th) 369**	Corporal	24	E	Subsection 39(1) x 2	Operating a motor vehicle while under the influence of alcohol Abuse of position	Reprimand and forfeiture 5 days' pay	Off duty	No
46	January 8, 2014 **14 A.D. (4th) 104**	Sergeant	26	HQ	Subsection 39(1)	Unauthorized use of RCMP computer	Reprimand and forfeiture 5 days' pay	Off duty	No
47	January 31, 2014 **15 A.D. (4th) 42**	Super-intendent	32	HQ	Subsection 39(1) x 2	Not declaring conflicts of interest Exceeding administrative authorities	Allegations not established	On duty	No
48	January 31, 2014 **14 A.D. (4th) 182**	Constable	10	K	Subsection 39(1) x 2	Talking about killing a person Harassment	Reprimand and forfeiture 8 days' pay	Off duty On duty	Yes

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y / N)
49	January 31, 2014 **14 A.D. (4th) 191**	Constable	13	E	Subsection 39(1) x 2	Impaired driving Unauthorized use of police vehicle	Reprimand and forfeiture 1 day Reprimand and 8 days' pay	Off duty	No (90 day Immediate Roadside Prohibition)
50	February 3, 2014 **14 A.D. (4th) 111**	Constable	18	E	Subsection 39(1)	Minor physical altercation and using inappropriate language	Reprimand and forfeiture 6 days' pay	Off duty	Yes
51	February 6, 2014 **14 A.D. (4th) 200**	Constable	7	F	Subsection 39(1)	Impaired driving	Reprimand and forfeiture 10 days' pay	Off duty	Yes
52	February 6, 2014 **14 A.D. (4th) 120**	Constable	4	F	Subsection 39(1)	Workplace harassment	Reprimand and forfeiture 10 day	On duty	No
53	February 12, 2014 **14 A.D. (4th) 130**	Constable	6	J	Subsection 39(1)	Improper relationship with a minor	Reprimand and forfeiture 5 days' pay and recommended professional counseling	Off duty	No
54	February 19, 2014 **14 A.D. (4th) 164**	Civilian Member	16	E	Section 47 Subsection 39(1) Section 45(b)	Neglect of duty Fail to properly report loss of RCMP property Making false, misleading or inaccurate statement	Reprimand and forfeiture 5 days' pay and recommendation for professional ethics training and 3-6 months of close supervision	Off duty	No
55	February 20, 2014 **14 A.D. (4th) 139**	Super-intendent	32	National	Subsection 39(1) x 2	Intimate relationship with a subordinate Intoxicated and behaved inappropriately	Reprimand and forfeiture 5 days' pay Reprimand and 2 days' pay	On duty Off duty	No No
56	February 25, 2014 **14 A.D. (4th) 151**	Constable	8	E	Subsection 39(1)	Sexual harassment in the workplace	Reprimand and forfeiture of 5 days' pay	On duty	No

	Date and Citation	Rank of Member	Years of Service	Div	Code of Conduct Allegation(s)	Description	Disposition	Duty Status	Statutory Finding (Y / N)
57	February 28, 2014 **14 A.D. (4th) 520**	Constable	20	C	Subsection 39(1) x 3	Sexual harassment in the workplace x 3	Reprimand and forfeiture of 10 days' pay	On duty	No
58	March 25, 2014 **14 A.D. (4th) 209**	Constable	10	O	Subsection 39(1)	Failing to properly secure RCMP property	Reprimand and forfeiture of 6 days' pay	Off duty	No
59	March 28, 2014 **14 A.D. (4th) 218**	Constable	9	J	Subsection 39 (1)	Domestic violence	Reprimand and forfeiture of 3 days' pay	Off duty	Yes
60	March 31, 2014 **14 A.D. (4th) 418**	Sergeant	17	E	Subsection 39(1)	Sexual harassment in the workplace	Reprimand and demotion of one rank and training on Harassment and Respectful Workplace	Off duty	No
61	March 31, 2014 **14 A.D. (4th) 418**	Sergeant	17	E	Subsection 39(1)	Impaired driving	Reprimand and forfeiture of 10 days' pay	Off duty	Yes (90 day driving suspension and 30 day vehicle impound-ment)

In past years this report has indicated the rank of the member, or the fact that he or she is a civilian member, in the Digest of Cases but there has been no particular focus on what correlation may exist between rank and formal discipline. The results from this year are consistent with those of recent previous years and not surprising. In general terms, it appears that members with lower rank were more likely to find themselves subject to formal discipline. Since the Force is essentially a pyramid organizationally, with a broad base of constables and narrowing tiers of higher ranks, all other factors being equal, one would anticipate seeing more members of lower ranks facing discipline. Last year this report contemplated looking at the number of members at each rank who have been subject to formal discipline in proportion to their representation of the membership as a whole.

Figure 18: Members Receiving Formal Discipline in 2013-2014 by Rank or Classification

Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
Constable	36	64
Corporal	9	16
Sergeant	5	9
Staff Sergeant	2	4
Superintendent	1	2
Civilian Member	3	5
Totals:	56	100

Figure 19: Members Receiving Formal Discipline by Rank or Classification – 2008 to 2014

Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
Constable	170	68
Corporal	33	13
Sergeant	16	6
Staff Sergeant	10	4
Inspector	4	2
Superintendent	1	1
Civilian Member	16	6
Totals:	250	100

The addition last year of information relating to the service level (that is to say years of service) of members who have received discipline reflects interest in determining whether or not there is a correlation between service level and discipline that might warrant further investigation. While no conclusive inferences could be drawn from the first year's worth of data, the data did seem to indicate, in general terms, that members with less than five years of service were more likely to find themselves subject to formal discipline. While one might consider it obvious that members with less service would be more at risk of misconduct, having an additional year of data provides somewhat greater perspective. The current year's data show that, unlike last year, members with five to nine years of service were more likely to be subject to formal discipline. One possible explanation for this result is that the culture of the organization is changing. Other possibilities are changes in recruiting or recruit training that occur over time. Adjudicative Services Branch plans to continue to examine this dimension of discipline over time.

Figure 20: Members Receiving Formal Discipline in 2013-2014 by Service Level

Years of Service	Number by Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
0-4	Constable (6)	6	11
5-9	Constable (18), CM (2)	20	36
10-14	Constable (5), Corporal (2)	7	12
15-19	Constable (2), Corporal (4), Sergeant (1), CM (1)	8	14
20-24	Constable (2), Corporal (2),Sergeant (2)	6	11
25-29	Constable (2), Corporal (1), Sergeant (1), Staff Sergeant (1)	5	9
30-34	Constable (1), Sergeant (1), Staff Sergeant (1), Superintendent (1)	4	7
Totals:		56	100

Figure 21: Members Receiving Formal Discipline by Service Level for 2012 to 2014

Years of Service	Number by Rank or Category	Number of Disciplined Members	Percentage of Disciplined Members
0-4	Constable (17), CM (2)	19	19.4
5-9	Constable (27), Sergeant (1), CM (2)	31	31.6
10-14	Constable (11), Corporal (4), CM (1)	16	16.3
15-19	Constable (3), Corporal (5), Sergeant (2), CM (1)	11	11.2
20-24	Constable (2), Corporal (4), Sergeant (4)	10	10.2
25-29	Constable (2), Corporal (1), Sergeant (2), Staff Sergeant (2)	7	7.1
30-34	Constable (1), Sergeant (1), Staff Sergeant (1), Superintendent (1)	4	4.1
Totals:		98	100

(iii) Professional Standards and External Review Directorate

(1) Amendments to the *RCMP Act*

The *Enhancing Royal Canadian Mounted Police Accountability Act (Accountability Act), an Act to amend the RCMP Act,* once fully implemented will bring forward significant changes to both the structure of the Professional Standards and External Review Directorate, and the legislative and policy instruments related to conduct. These changes, anticipated to be in place in the Fall of 2014, will have a significant impact on conduct process, conduct authorities and measures available to deal with misconduct. Several training sessions have been held and continue to be held to inform and train Employee Management Relations Officers, conduct advisors, conduct authorities, members of the Staff Relations Representative Program and other identified employees on the new processes.

Due to the focus on implementing *RCMP Act* amendments, changes to existing discipline policy and process have been kept to a minimum over the past year.

(2) National Code of Conduct Database

The National Code of Conduct Database became operational in the Professional Standards and External Review Directorate at National RCMP Headquarters in Ottawa in February 2012. It is designed to track and analyze all Code of Conduct matters in the RCMP. Code of Conduct matters are defined under Part IV of the *RCMP Act*.

The main goals in creating this database were to develop a system that facilitates the accurate recordkeeping of Code of Conduct allegations, provides baseline data to enable RCMP executives to produce timely reports and allows them to monitor trends, patterns and changes in the discipline process. In addition, this database enables RCMP executives to maintain an ongoing picture of the 'real time' discipline process, enabling them to quickly evaluate whether or not any changes are occurring and to act accordingly.

The database is designed to capture information on members alleged to have breached the Code of Conduct and the details of the allegation(s) itself. The system records the steps from investigation through to a member being sanctioned or being absolved of wrongdoing.

All divisions are required to provide the information that is to be uploaded to the database which is accessible by the Professional Standards and External Review Directorate, Adjudicative Services Branch, the Appropriate Officer Representatives Directorate, and the Discipline Adjudications Directorate.

(3) Discipline Appeals

In 2013-2014, the Commissioner rendered three decisions on formal disciplinary appeals. This is a threefold decrease from the nine that were rendered in the previous fiscal year. The nine decisions rendered in 2012-2013 resolved a backlog of pending discipline appeals and now that the backlog has been addressed, the number of decisions this fiscal year has returned to previous levels.

Figure 22: Discipline Appeals Decided by Commissioner 2008 to 2014

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Files concluded	4	1	5	3	9	3

3.2 Informal Discipline[22]

According to data provided by the divisions, there were 158 instances of informal disciplinary action recorded during 2013-2014. This is a decrease of 29 from last year's revised[23] total of 187.

Although some divisions did indeed see substantial decreases ("K" Division dropped from 35 to 20, "J" Division from 10 to 4, and "L" Division from 6 to 0), most

[22] Adjudicative Services Branch does not administer any part of the informal discipline process.

[23] Previously reported data is corrected in this report. The previous report showed 170 cases resulting in informal discipline in 2012-2013. However, in 2013-2014 four divisions provided revised data for fiscal year 2012-2013 (National/A– 4 to 3; E – 42 to 55; H – 11 to 14; L – 4 to 6) the corrected total is 187. For fiscal year 2011-2012 one division corrected their data (H – 18 to 14), the revised total is 206 rather than 210.

divisions experienced minimal change as compared to the 2012-2013 numbers. The statistics found in Figure 23 continue to be considered a low ratio of informal disciplinary actions relative to the size of the organization and the number of interactions with the public in any given year.

Figure 23: Informal Discipline by Divisions 2000 to 2014[24]

Division	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	Total
National / A	6	3		2		1	2		1	2	3	5	3	2	30
B	1	2		1		1		1		3	6	3	5	4	27
C	9	8	5	15	10	11	14	7	7	4	5	5	4	7	111
D	3	9	19		3	18	7	20	16	10	10	6	15	10	146
E	60	80	90	58	40	34	100	112	90	125	49	79	55	61	1033
F	9	10	15	10	4	10	13	11	19	37	12	13	21	18	202
G	2	3		3	2	3	2				1	3	4	6	28
H	2		2	3	1	10	9	10	21	17	43	14	14	11	157
HQ	13	20	22	4	5	14	11	25	11	7		12	5	6	155
J	11	5	8	11	7	23	22	25	14	7	6	24	10	4	177
K	31	42	69	27	30	17	26	26	22	25	15	20	35	20	405
L							2		1			4	6		13
M		2				3	2	1	4		3	3	1		19
O	2	24	3	11	6	11	14	12	15	10	1	13	6	6	134
T		8				3	1	5		2		2	1		22
V	1		1	3	1	8	1	1	10	5	3		2	3	39
Total	150	216	234	148	109	167	226	256	231	254	156	206	187	158	2698

3.3 Suspension of Members

On March 31, 2014, there were 118 suspended members (104 suspended from duty with pay and allowances & 14 suspended from duty without pay and allowances. As noted in Figure 24, there has been a significant increase in suspensions, both with and without pay, across the country, over the last five years, with this year's increase of 43 suspensions over the past year being the most significant increase since the initial reporting date of April 1, 2010.

There is no discernible pattern evident in the division-by-division data, although just as it stood out in 2012 for a marked increase in suspensions (18 to 31), and in 2013 for a decrease from 31 to 18, "E" Division is notable again this year for another marked increase from 18 to 37.

Further analysis of the data reveals that 7 divisions saw little to no change (M, F, D, V, J, L, H), an equal number experienced a significant increase (HQ, C, O, E, G, K, B) and one division (National/A) saw a decrease back to near its previous levels from its fivefold increase in 2013. HQ in particular has seen significant upward trending in the past few years, whereas most other divisions appear to fluctuate rather randomly and are within the range they have seen at one time or another in the past five years.

Suspensions without pay and allowance have also risen quite dramatically since 2010, from 3 to 14.

Although interesting in terms of general trends, since these suspension statistics are as of a given day they are not necessarily reflective of the overall number of members who may have been suspended during all or part of each of the fiscal years reported on.

[24] Number of cases resulting in informal disciplinary actions by division, during the past 14 years, as reported by the divisions.

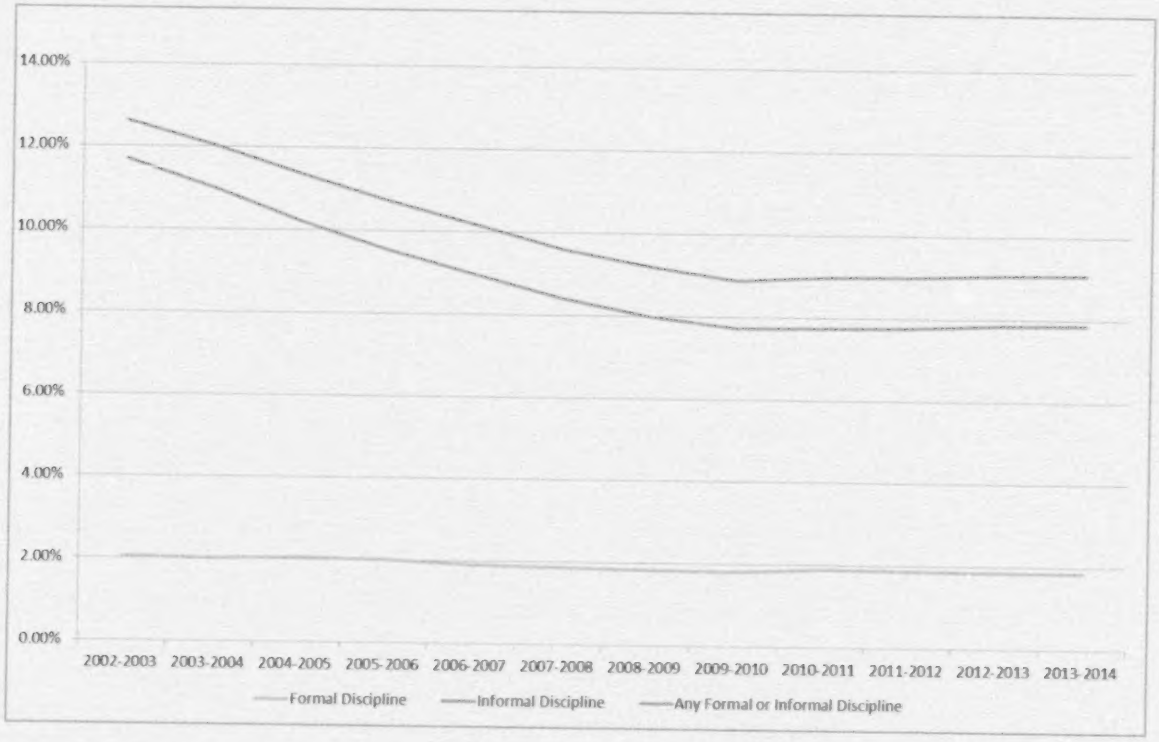
Figure 24: Members Suspended from Duty With Pay and Without Pay and Allowances
April 1, 2010 to March 31, 2014

DATE	National / A	HQ	C	O	E	M	G	K	F	D	V	J	L	H	B	Total
April 1, 2010	1	1	6	3	12	2	2	10	6	1	1	3	0	2	2	**52**
March 31, 2011	1	1	6	2	18	0	0	18	3	1	0	2	0	3	2	**57**
March 31, 2012	1	2	5	4	31	0	0	17	1	4	1	0	2	2	1	**71**
March 31, 2013	5	5	2	3	18	0	1	11	7	5	1	5	3	6	3	**75**
March 31, 2014	2	10	6	6	37	0	3	21	8	5	0	5	3	6	6	**118**
Force-wide April 1, 2010	**52** (49 suspended from duty with pay and allowances & 3 suspended from duty without pay and allowances)															
Force-wide March 31, 2011	**57** (52 suspended from duty with pay and allowances & 5 suspended from duty without pay and allowances)															
Force-wide March 31, 2012	**71** (64 suspended from duty with pay and allowances & 7 suspended from duty without pay and allowances)															
Force-wide March 31, 2013	**75** (68 suspended from duty with pay and allowances & 7 suspended from duty without pay and allowances)															
Force-wide March 31, 2014	**118** (104 suspended from duty with pay and allowances & 14 suspended from duty without pay and allowances)															

3.4 Member population formal and informal discipline

In this year's report Figure 25 depicts member discipline from a slightly different perspective. Figure 25 considers cumulative data. It looks at the member population which has been subject of formal or informal discipline at any time during their service. For the period 2002-2003 to 20013-2014, Figure 25 graphs disciplined members as a percentage of the total member population. Percentages are shown for "formal discipline" (serious misconduct), "informal discipline" (less serious misconduct), and "any discipline". Figure 25, which for each year considers all member discipline, no matter when it occurred in a member's service, is quite different from Figure 17, which for each year only considers the discipline actions which occurred within the year. The nature of the data on which Figure 25 is based is such that it changes from day to day as members join the Force, or are subject of disciplinary action, or as they leave the Force. Accordingly, the yearly data graphed in Figure 25 is based on a snapshot of the member population at the beginning of each fiscal year. "Formal discipline" added to "informal discipline" won't total to "any discipline" as there are instances where members have been subject to both formal and informal disciplinary action. Figure 25 shows that over the past decade the percentage of disciplined members has been trending downward, but has been relatively stable for the past five years.

Figure 25: Percentage of member population who have been subject of formal and informal discipline in their service 2002 to 2014



3.5 Initiatives of Interest

The management of the RCMP's discipline process includes an element of continuous improvement. Organizationally, the RCMP should never be satisfied that there is no room for improvement. Here is a sample of ongoing and new initiatives.

(i) "E" Division

District Officers Accountable for Code of Conduct Investigations

Discipline Reviewer (Quality Control of Files)

In the 2011-2012 report it was noted that all district officers were made accountable for conduct matters within their span of control. All Code of Conduct matters were to be reported, along with comments and recommendations for duty status, via briefing note, to the criminal operations officer. This engages the district officers and branch heads at the onset and throughout the process. The division's Professional Standards Unit monitors the progress of all files.

To enhance this accountability, the position of discipline reviewer was created. This member is responsible for reviewing all Code of Conduct investigative reports prior to being submitted to the decision-maker. This addresses the concerns raised by the appropriate officers and appropriate officer representatives regarding the lack of quality and inconsistencies with the reporting format.

Informal discipline is not to be administered by unit commanders until it has been reviewed by a non-

commissioned officer at the Professional Standards Unit. The objective of this review is to ensure members are treated equitably. The reviewer confirms that the rationale justifying the sanction to be administered is sound and that the sanction itself is consistent with that given in comparable circumstances.

These processes are being recognized and promoted nationally as best practices. It is anticipated that such practices will provide managers with needed accountability in a discipline regime being redesigned to handle conduct issues at the unit commander level.

(ii) "D" Division

Civilianization, restructuring and training

In this reporting period "D" Division Professional Standards Unit had a number of smaller initiatives. The division realized some cost savings by civilianizing their public complaints reviewer positions. The division is now reviewing the unit structure to identify and capitalize on potential benefits of restructuring the unit. "D" Division developed and delivered a Professional Responsibility Investigators Course. The course complements the Professional Standards Unit's practice of assigning Code of Conduct investigations to members in investigative units throughout the division while continuing to monitor and provide guidance. This practice provides the unit with flexibility to meet a changing workload, build investigative expertise, and maintain responsibility for their cases.

(iii) The North West Region Discipline Centre

Realignment of North West Region Discipline Centre Resources

During the previous reporting period, the North West Region Discipline Centre located in Regina, Saskatchewan, handling discipline matters for six divisions including "K" Division, represented a concentration of centralized responsibility for discipline matters. While resources were centralized, there existed an imbalance. As was already mentioned the number of members in "K" Division is second only to "E" Division. The large number of members caused about 40% of the Discipline Centre's work to be "K" Division related. During this reporting period, to align resources with the "K" Division workload, two positions were reallocated from the North West Region Discipline Centre to "K" Division's Professional Standards Unit in Edmonton, Alberta.

This realignment realized efficiencies by putting discipline unit resources in the same division as the workload with which they had been dealing. It gained additional efficiencies by co-locating resources with the appropriate officer and appropriate officer representative.

The North West Region Discipline Centre continues to have responsibility for "F", "D", "V", "G" and "Depot" divisions and remains the greatest concentration of responsibility for the RCMP's disciplinary process.

Conclusion – Way Forward

A disciplinary process is a support system for the proper operation of any modern police service. It complements other systems such as respectful workplace and professional ethics programs. Indeed, the better such a regime works and engenders a culture of integrity, the less it needs to be used.

The RCMP is on the verge of replacing the current "discipline" process with a robust "conduct" management system. While it may technically still be a discipline process, the focus will be on conduct, not discipline. It is designed to be an improvement over current processes. Matters will proceed expeditiously. Unlike the current discipline process, the new regime will be less adversarial. The RCMP and the member will be able to quickly deal with most conduct issues, put the issues behind them and get back to the business of serving the public.

Moving to a new system necessitates the winding down of the old one. While this is happening the RCMP will in fact be managing two systems. The old will not be abandoned for the new. Based on the work which Adjudicative Services Branch accomplished this year, there will be a period of transition likely lasting 18 to 24 months. During this time, the organization cannot lose sight of the fact that both systems must have a human element to be managed successfully. Whether they face discipline under the old scheme, or conduct measures under the new, both systems must be managed carefully and in such a way that members understand that they are being treated professionally, fairly, and consistently and that they are being accorded timely treatment.

The expertise developed under current processes will continue to have value. The conduct management system itself will be centrally managed; however, responsibility for individual conduct incidents will mostly be at the local level. Responsibility will rest with those who have closer reporting relationships with the members facing conduct measures. Recognizing this, the Legislative Reform Initiative, with the support of Adjudicative Services Branch, is currently training hundreds of managers and supervisors who will be responsible for taking action under the new conduct regime.

The RCMP, through Adjudicative Services Branch, is paving the way for positive change in the management of its members' inappropriate conduct. Conduct management is the way forward. It is a way that can be easily understood by members and the public. It is a way through which the RCMP will earn and maintain the trust of both.

APPENDICES

2012-2013

Appendix A: Ministerial Directive

Appendix B: Glossary of Terms

Appendix C: RCMP Act Part IV

Appendix D: RCMP Divisions and Divisional Headquarters

APPENDIX A

2013-2014

Ministerial Directive

MINISTERIAL DIRECTIVE ON THE RCMP DISCIPLINARY PROCESS

A. This Directive provides ministerial direction to the Commissioner of the Royal Canadian Mounted Police (RCMP) with respect to standardizing the application and enhancing the transparency of the disciplinary process set out in the *RCMP Act*.

Responsibilities and Accountabilities

B. As per subsection 5(1) of the *RCMP Act*, the control and management of the RCMP, and all matters connected therewith, is the responsibility of the Commissioner of the RCMP, under the direction of the Minister of Public Safety.

C. To promote compliance and accountability, the Commissioner will ensure that comprehensive records of all disciplinary files are maintained and that these files are monitored on an ongoing basis.

D. To enhance accountability, the Commissioner will ensure there is effective coordination and efficient administration of the RCMP disciplinary system.

DIRECTIVE MINISTÉRIELLE SUR LE PROCESSUS DISCIPLINAIRE DE LA GRC

A. La présente directive vise à fournir l'orientation ministérielle au commissaire de la Gendarmerie royale du Canada (GRC) en ce qui a trait à la normalisation et à l'amélioration de la transparence du processus disciplinaire défini dans la *Loi sur la Gendarmerie royale du Canada*.

Responsabilités

B. En vertu du paragraphe 5(1) de la *Loi sur la Gendarmerie royale du Canada*, le commissaire de la GRC, sous la direction du ministre de la Sécurité publique a pleine autorité sur la GRC et tout ce qui s'y rapporte.

C. Afin de favoriser la conformité et la responsabilisation, le commissaire doit veiller à ce que des dossiers complets de tous les cas disciplinaires soient tenus, et à ce que ces dossiers soient suivis de près.

D. Afin d'accroître la responsabilisation, le commissaire doit veiller à la coordination efficace et à l'administration efficiente du régime disciplinaire de la GRC.

E. The Commissioner will ensure that an annual report on the management of the disciplinary process is provided to the Minister. The report is to be in a format that is suitable for public release in its entirety. The release of the report is at the discretion of the Minister.

F. The Commissioner will ensure that nationally consistent policies and protocols are in place and updated 'hen necessary to infonn members of the requirements and procedures associated with the disciplinary process. The Commissioner will also ensure that regular training is provided to appropriate RCMP staff to promote awareness of and compliance with such requirements and procedures.

G. In addition to the annual report, as part of the accountability process, a designated representative of the Commissioner will, having given due regard to legal and operational considerations, inform the Minister in a timely manner of matters of a significant nature pertaining to the disciplinary process.

E. Le commissaire doit s'assurer qu'un rapport annuel sur la gestion du processus disciplinaire est presente au ministre. Le rapport entier doit etre presente dans une forme convenable a la diffusion publique. La publication du rapport est a la discretion du ministre.

F. Le commissaire doit s'assurer que des politiques et des protocoles conformes a l'echelle nationale sont en place, et mis ajour au besoin, pour informer les membres au sujet des exigences et des procedures liees au processus disciplinaire. Le commissaire doit egalement s'assurer que des membres competents de la GRC rec;oivent de la fonnation afin de faire connaitre ces exigences et procedures et de favoriser le respect de celles-ci.

G. En plus du rapport annuel et dans le cadre du processus de responsabilisation, un representant designe du commissaire, ayant dO.ment tenu compte des considerations juridiques et operationnelles, informera le ministre en temps opportun des problemes de nature importante ayant trait au processus disciplinaire.

Stockwell Day

Minister of Public Safety/Ministre de la Securite publique

JAN 2 4 2008

Date

APPENDIX B

2013-2014

Glossary of Terms

Appropriate Officer – An officer designated by the Commissioner as the appropriate officer in respect of a member for the purposes of the *RCMP Act*. In practical terms, the appropriate officer is normally the commanding officer of a division of the RCMP.

Code of Conduct – The Regulations governing the conduct of RCMP members created by the Governor in Council pursuant to Section 38 of the *RCMP Act*.

Commissioner's Standing Order – A rule from the Commissioner made according to subsection 21(2) of the *RCMP Act*. That part of the Act states how, subject to the *RCMP Act* and its Regulations, the Commissioner may make rules dealing with administrative discharge of members, as well as for the organization, training, conduct, performance of duties, discipline, efficiency, administration or good government of the Force, and generally for carrying out the purposes and provisions of the *RCMP Act*.

Detachment – For the purposes of Sections 40 (Investigation) and 41 (Informal Disciplinary Action) of the *RCMP Act*, includes any organizational component within the Force commanded by a member, other than an officer, who reports directly to an officer.

Discipline Reviewers – Discipline reviewers review, analyze and process reports and correspondence related to disciplinary matters. They make recommendations on disciplinary actions, appeals and discharges.

Division – As part of its structure, the RCMP organizes itself into 15 divisions roughly equivalent geographically to Canada's 10 provinces, 3 territories, the National Capital Region and the RCMP's training academy, known as Depot, in Regina. Each division with the exception of Depot is assigned a letter name, e.g. the RCMP's "A" Division comprises the National Capital Region.

External Review Committee – An independent, arm's-length committee established under Section 25 of the *RCMP Act* to make recommendations on discipline, discharge and demotion matters and certain types of grievances brought before it. The External Review Committee reports once a year to the Minister of Public Safety in accordance with Section 30 of the *RCMP Act*.

Officer – A member appointed by the Governor in Council to the rank of inspector, superintendent, chief superintendent, assistant commissioner, deputy commissioner or commissioner. For the purposes of Section 41 of the *RCMP Act* (informal disciplinary action), officer includes those civilian members, special constables and special constable members who are classified at the senior management or executive level.

Pay Council – A council of five people established in May 1996 as an alternative to collective bargaining for resolving issues of pay, benefits and other working conditions. The council consists of an independent chairperson appointed by the Commissioner in consultation with, and with the approval of the Caucus of Staff Relations Representatives (SRRs); two management representatives appointed by the Commissioner; and two member representatives appointed by the SRR Caucus.

Service Court – The forerunners of today's Adjudication Boards. Service Courts were quasi-judicial proceedings presided over by a single commissioned officer who heard and determined formal disciplinary matters. Service Courts were adversarial in nature and generally used the same rules of evidence as criminal trials. They were discontinued as a result of revisions to the *RCMP Act* in 1988.

Staff Relations Representatives (SRRs) – Members elected by the members within a particular division to represent them in dealings with RCMP management on issues impacting their welfare, dignity and operational effectiveness. SRRs also deal with issues of wider concern as members of divisional and regional caucuses and through their Regional National Executive Committee and National Executive. The program was established in 1974 to provide members of the RCMP with a formal system of representation.

Unit Commander – The commander of a unit. A unit is an organized body within the RCMP. Detachments, sections, branches, directorates, subdivisions and divisions are examples of units.

APPENDIX C

2013-2014

RCMP Act Part IV

The discipline system as set out in the *RCMP Act* aims to correct the behaviour of those few personnel whose actions fall below the standards set out in the Code of Conduct. The RCMP is accountable for the actions of all of its members. Please refer to *Figure 1: Discipline Process under Part IV of the RCMP Act* at the end of chapter 1.

Step 1: Alleged Code of Conduct Contravention

Where it appears to an officer or to a member in command of a detachment that a member of the RCMP under the command of the officer or member in command of a detachment has contravened the Code of Conduct, the officer or member in command of a detachment shall make or cause to be made such investigation as the officer or member in command of a detachment considers necessary to enable the officer or member in command of a detachment to determine whether that member of the RCMP has contravened or is contravening the Code of Conduct.

Step 2: Investigation s. 40 Time and Limitation Periods s. 43(8)

Sub-section 40 (1) of the *RCMP Act*, outlines the authority of an officer or member in command to initiate a Code of Conduct investigation.

No hearing may be initiated by an appropriate officer under this section in respect of an alleged contravention of the Code of Conduct by a member of the RCMP after the expiration of one year from the time the contravention and the identity of that member of the RCMP became known to the appropriate officer.

Step 3: Supervisor's Options: Informal/Formal/ Unfounded

If the supervisor believes that the allegation against the RCMP member is unsubstantiated, the supervisor is to inform the member of the RCMP and the file is then concluded.

Step 4: Informal Discipline

Step 4(a): Informal Discipline s. 41.(1)

Once it is established to the satisfaction of the supervisor that a violation of the Code of Conduct has occurred, the supervisor can initiate the informal disciplinary process. This can only be done if he or she is of the opinion that, having regard to the gravity of the contravention and to the surrounding circumstances, the action is sufficient.

Informal disciplinary actions specify a corrective or remedial approach to an RCMP member's conduct. The particular actions that may be taken are:

(*a*) counseling;
(*b*) a recommendation for special training;
(*c*) a recommendation for professional counseling;
(*d*) a recommendation for a transfer;
(*e*) a direction to work under close supervision;
(*f*) subject to such conditions as the Commissioner may prescribe by rule, a forfeiture of regular time off for a period not exceeding one day; and/or
(*g*) a reprimand (it is to be noted that only a Commissioned Officer or an appropriate officer may impose a reprimand).

Step 4(b): Post-Disciplinary Action RCMP Administration Manual XII.6.F.4

After the commander takes informal disciplinary action he/she must submit a report to the appropriate officer for review. The report must include: 1) the investigator's report and material relevant to the RCMP member's alleged misconduct must be presented to the commander as a complete package in chronological order; 2) details of the Code of Conduct contravention and a copy of the disciplinary action, e.g. reprimand, if applicable; 3) confirmation whether the RCMP member was given the benefit of presenting a submission; and, 4) representations submitted by the RCMP member to the commander.

Step 4(c): Action by Appropriate Officer – Contravention of the Code of Conduct s. 41(5)

Where it is established to the satisfaction of an appropriate officer that a member of the RCMP has contravened the Code of Conduct, the appropriate officer may, if no action has been taken in respect of the contravention, take any one or more of the actions referred to in paragraphs (*a*) to (*g*) of step 4(a) above against the member of the RCMP who has contravened the Code of Conduct.

Step 4(d): Appropriate Officer May Rescind Informal Disciplinary Action s. 41(6)

Where it is not established to the satisfaction of an appropriate officer that a member against whom informal disciplinary action was taken that has not contravened the Code of Conduct, the appropriate officer may rescind that action.

Step 4(e): Appropriate Officer May Vary The Action s. 41(7)

Where it is established to the satisfaction of an appropriate officer that an RCMP member against whom informal disciplinary action was taken has contravened the Code of Conduct, but the appropriate officer is of the opinion that the action so taken was inappropriate in the circumstances, the appropriate officer may vary that action by taking any one or more of the actions referred to in paragraphs (*a*) to (*g*) of step 4(a) above, in addition to or in substitution for that action.

Step 4(f): Informal Disciplinary Action Timeline 1 Year

It is RCMP policy that informal disciplinary action under subsection 41(1) of the *RCMP Act* must be taken against RCMP members within a year from the time the alleged contravention and identity of the RCMP member became known to his or her supervisor.

Step 4(g): Informal Discipline - Not Grievable / Appealable s. 41(9)

Informal disciplinary actions: a, b, c and d are not grievable nor appealable.

Step 4(h): Informal Discipline – Appeal s. 42(1)

Any RCMP member against whom informal disciplinary action referred to in any of paragraphs 41(1)(*e*) to (*g*) is taken may appeal that action at each of the levels, up to and including the final level, in the appeal process provided.

Step 4(i): Final Level of Appeal s.42(4)

The Deputy Commissioner designated by the Commissioner for the purposes of this section constitutes the final level in the appeal process with respect to appeals taken by members of the RCMP, other than commissioned officers, from informal disciplinary actions referred to in paragraphs (*e*) and (*f*) above and the Deputy Commissioner's decision on any such appeal is final and binding and, except for judicial review under the *Federal Courts Act*, is not subject to appeal to or review by any court.

Step 4(j): Final Level of Appeal for Commissioned Officers s. 42(6)

The Commissioner constitutes the final level in the appeal process with respect to appeals taken by commissioned officers from informal disciplinary action referred to in any of paragraphs (*e*) to (*g*) above. The Commissioner's decision on any appeal is final and binding and, except for judicial review under the *Federal Courts Act*, is not subject to appeal to or review by any court.

Step 4(k): Formal Discipline

If the supervisor believes that the allegation is substantiated but, considering the gravity of the allegation, the supervisor determines that informal measures are insufficient, the file is forwarded with a covering memorandum to the appropriate officer for consideration of formal disciplinary action. If the appropriate officer decides to go by way of formal discipline the steps detailed in the next section are followed.

Step 5: Formal Discipline

Step 5(a): Notice for a Board to Designated Officer s. 43 (1)

Where it appears to an appropriate officer that a member has contravened the Code of Conduct and the appropriate officer is of the opinion that, having regard to the gravity of the contravention and to the surrounding circumstances, informal disciplinary action under section 41 would not be sufficient if the contravention were established, the appropriate officer shall initiate a hearing into the alleged contravention and notify the officer designated by the Commissioner for the purposes of this section of that decision.

Step 5(b): Three Board Members Appointed s.43.2, 43(3)

On being notified pursuant to Section 43 (1), the designated officer shall appoint three officers as members of an Adjudication Board to conduct the hearing and shall notify the appropriate officer of the appointments.

Step 5(c): Notice of Disciplinary Hearing to Member s. 43(4)

Forthwith after being notified pursuant to subsection (2), the appropriate officer shall serve the RCMP member alleged to have contravened the Code of Conduct with a notice in writing of the hearing, together with: (*a*) a copy of any written or documentary evidence that is intended to be produced at the hearing; (*b*) a copy of any statement obtained from any person who is intended to be called as a witness at the hearing; and, (*c*) a list of exhibits that are intended to be entered at the hearing.

Step 5(d): Objection to Board Officer(s) s. 44(1)

Within seven days after the day a member is served with a notice of hearing [under subsection 43(4)], the member may object in writing to the designated officer [referred to in subsection 43(1)] to the appointment of any member of the Adjudication Board, and the designated officer shall on receiving the objection decide whether to reject the objection or to allow the objection and appoint a new member of the board.

Step 5(e): Chair Appointed s. 44(6)

The designated officer shall designate one of the members of the Adjudication Board as chairman.

Step 5(f): Notice of Date, Place and Time of Hearing s.45.1(2)

An Adjudication Board shall set the place, date and time for a hearing and serve the parties thereto with a notice in writing of that place, date and time. The date and time for a hearing set pursuant to section 45.1(2) shall not be less than seven days after the day the member whose conduct is the subject of the hearing is served with the notice under that subsection.

Step 5(g): Pre-Hearing Motions

If either party has pre-hearing motions, these will be submitted to the Adjudication Board and a decision will be rendered by the Adjudication Board on these motions.

Step 5(h): Hearing: Evidence on Merits of Case s. 45.12(1)

A hearing will take place before an Adjudication Board. After considering the evidence submitted at the hearing, the Adjudication Board shall decide whether or not each allegation of contravention of the Code of Conduct contained in the notice of the hearing is established on a balance of probabilities.

Step 5(i): Board's Decision on Allegations s. 45.12(2)

A decision of an Adjudication Board shall be recorded in writing and shall include a statement of the findings of the board on questions of fact material to the decision, reasons for the decision and a statement of the sanction, if any, imposed or the informal disciplinary action, if any, taken.

Step 5(j): If Allegations Not Established Hearing is Concluded

If the allegations are not established, the hearing is concluded.

Step 5(k): Hearing: Evidence and Submissions on Sanction

If the allegations are established in the hearing, the Adjudication Board will hear evidence and submissions on possible sanctions to be administered.

Step 5(l): Board's decision on Sanction s. 45.12(3)

Where an Adjudication Board decides that an allegation or contravention of the Code of Conduct by an RCMP member is established, the board shall impose any one or more of the following sanctions on the member, namely, (*a*) recommendation for dismissal from the Force, if the member is a commissioned officer, or dismissal from the Force, if the member is not a commissioned officer; (*b*) direction to resign from the Force and, in default of resigning within fourteen days after being directed to do so, recommendation for dismissal from the Force, if the member is a commissioned officer, or dismissal from the Force, if the member is not a commissioned officer; (*c*) recommendation for demotion, if the member is a commissioned officer, or demotion, if the member is not a commissioned officer; or, (*d*) forfeiture of pay for a period not exceeding ten work days.

Step 6: Demotion or Dismissal of Commissioned Officer/Non-Commissioned Officer/Civilian Member

Step 6(a): Commissioned Officer Demotion or Dismissal

If the Adjudication Board decides to recommend dismissal or demotion of a Commissioned Officer, the recommendation is sent to the Commissioner.

Step 6(b): Commissioned Officer - Appeal to the Commissioner s. 45.25(1)

The Commissioned Officer may appeal the recommendation to the Commissioner from the Adjudication Board. The Commissioner must first refer the matter to the External Review Committee, unless the sanction involved only informal disciplinary actions set out in s. 41(1) of the *RCMP Act*, or unless the member requests that the matter not be referred to the Committee and the Commissioner agrees with that request. The Commissioner's recommendation to demote or dismiss a Commissioned Officer is reviewed by the Minister of Public Safety and the Governor in Council. The Governor in Council can accept or reject the Commissioner's recommendation on demotion or dismissal of the Commissioned Officer.

Step 6(c): Non-Commissioned Members - Demotion or Dismissal

A non-commissioned officer or civilian member can be demoted or dismissed by the Adjudication Board.

Step 6(d): Review of Demotion or Dismissal by the External Review Committee

A member may appeal the decision of an adjudication board to the Commissioner. Pursuant to section 45.15 of the *RCMP Act*, the Commissioner must first refer the matter to the External Review Committee, unless the sanction involved only informal disciplinary actions set out in section 41(1) of the *RCMP Act*, or unless the member requests that the matter not be referred to the Committee and the Commissioner agrees with that request.

Step 6(e): External Review Committee Provides Recommendations

Once the External Review Committee conducts a review of the file, it provides its findings and recommendations to the Commissioner.

Step 6(f): Commissioner Not Bound By External Review Committee Findings and Recommendations

The Commissioner is not bound to act on the Committee's findings or recommendations, but if the Commissioner does not, then he shall provide his reasons. As the Commissioner is the final level of appeal in matters of formal discipline under the *RCMP Act*, a member may not appeal the Commissioner's decision.

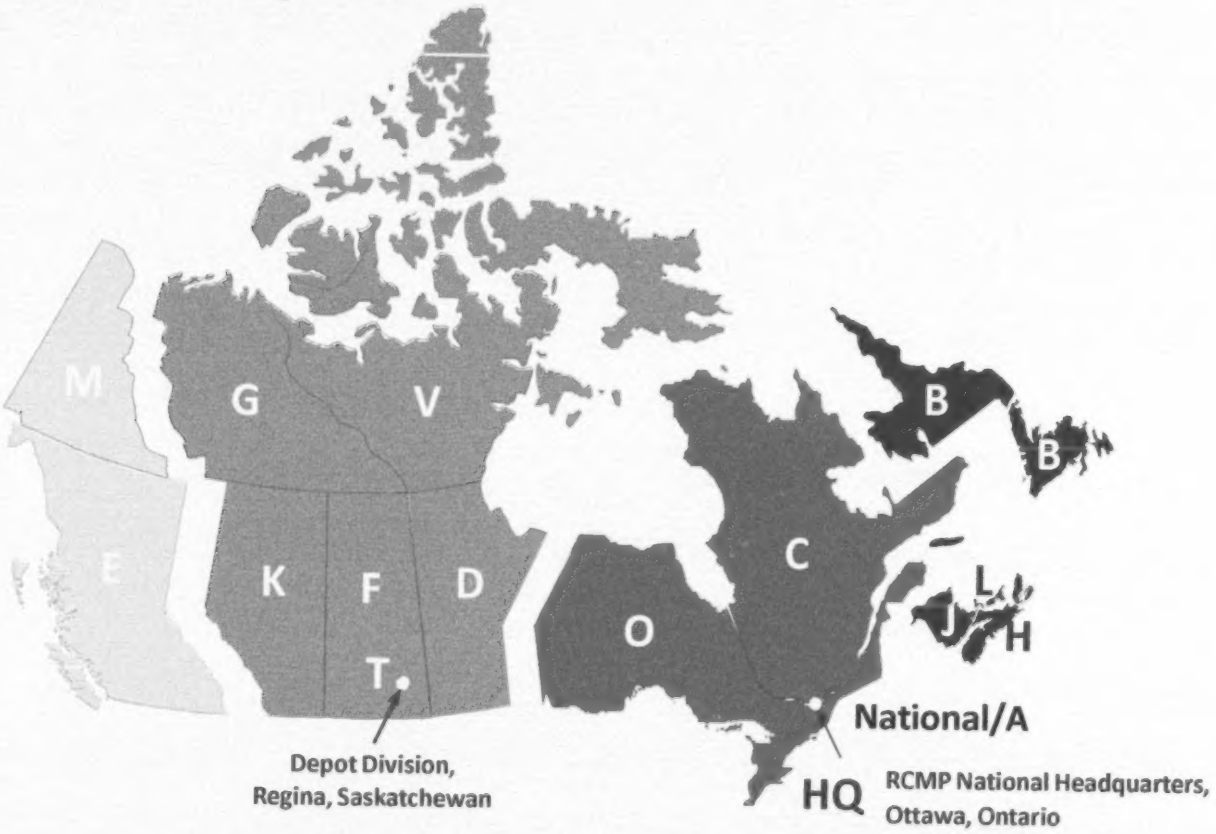
Step 6(g): Judicial Review by Federal Court

A member of the RCMP may seek judicial review of the Commissioner's decision in the Federal Court. The demotion or dismissal of a commissioned officer, a non-commissioned officer, and a civilian member can be appealed to the Federal Court, then to the Federal Court of Appeal through to the Supreme Court of Canada.

APPENDIX D

2013-2014

RCMP Divisions and Divisional Headquarters



HQ – Headquarters, Ottawa, Ontario
National / A – Ottawa, Ontario
B – St. John's, Newfoundland
C – Montreal, Quebec
D – Winnipeg, Manitoba
E – Vancouver, British-Columbia
F – Regina, Saskatchewan
G – Yellowknife, Nothwest Territories
H – Halifax, Nova Scotia
J – Fredericton, New Brunswick
K – Edmonton, Alberta
L – Charlottetown, Prince Edward Island
M – Whitehorse, Yukon
O – London, Ontario
T – Depot Division, Regina, Saskatchewan
V – Iqaluit, Nunavut

QUICK FACTS

- The RCMP logs more than 2.7 million occurrences per year.
- The RCMP has approximately 28,700 employees, including almost 19,000 regular and 3,700 civilian members, and 6,000 Public Service employees.
- The total RCMP population includes 61% men and 39% women, 9.9% who self-identify as a visible minority, 6.8% as Aboriginals, and 3% as persons with disabilities.
- The RCMP Code of Conduct, the Organizational Code of Conduct for public service employees, the Values and Ethics Code for the Public Sector, and the Conflict of Interest Directive, including the Interpersonal Workplace Relationships Policy, define ethical responsibilities, behaviours and standards for all employees.
- The RCMP's Incident Management Intervention Model outlines specific steps in handling potentially violent situations. RCMP members are thoroughly trained in its application, and know that preference is always weighted toward the least intrusive approach possible in handling an incident.

Notes: